



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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**EDWIN J. DAY**  
County Executive

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

March 16, 2015

Ramapo Zoning Board of Appeals  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.20-2-10

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 4/30/2013

**Date Review Received:** 2/13/2015

**Item:** *CHAI ESTATES (R-2491)*

Variations for lot area, total side setback, rear setback and development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2512 acres in an R-15C zoning district

North side of Ralph Boulevard, 375 west of Jill Lane

**Reason for Referral:**

Villages of Spring Valley and Kaser

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

1. The Villages of Spring Valley and Kaser are the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along the northern property line of the site; the Kaser municipal boundary is 180 feet south of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Villages of Spring Valley and Kaser must be given the opportunity to review the proposal and

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its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 50 percent increase over the maximum allowable development coverage of .50. The ability of the existing infrastructure to accommodate residences of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development. To more closely comply with the R-15C zoning requirements, the size of the proposed additions must be reduced.

3 The Town of Ramapo Building, Planning and Zoning Department's denial letter of January 26, 2015 states that a lot area variance is required. The bulk table indicates that this non-complying lot is subject to Section 376-131.D.(1) and the minimum lot area requirement is only 7,500 SF. All application materials must be consistent. The Town must clarify if Section 376-131.D.(1) is applicable and if a lot area variance is required. The public hearing notice will have to be reissued if it did not include all required variances.

4 The Town of Ramapo Building, Planning and Zoning Department's denial letter of January 26, 2015 also indicates that Planning Board approval is required for two driveways. The final disposition of the existing driveway must be clarified. Eliminating this driveway will reduce the extent of the variance for development coverage.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 The Town of Ramapo Building, Planning and Zoning Department's denial letter of January 26, 2015 includes the Chief Fire Inspector's comments. The applicant's engineer must demonstrate that there is sufficient water to meet fire flows as required in Section 508 of the New York State Fire Code.

7 Sidewalks, exterior stairs, window wells, area ways and decks for the proposed addition must be shown on the site plan. Exterior stairs and ramps cannot be within ten feet of the property line. The building footprint must be reduced if these features encroach into the required setbacks.

8 A parking turnaround area must be provided. Given the location of the existing staircase, the parking configuration is not feasible. We recommend that the number of units be reduced so that the required on-site parking can be safely accommodated on the lot.

9 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Health  
Rockland County Drainage Agency

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Rockland County Sewer District #1  
Anthony R. Celentano, P.L.S.  
Villages of Spring Valley and Kaser  
New York State Department of State,  
Division of Code Enforcement and Administration  
Chai Estates, Corp.

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief*

