COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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March 10, 2015

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

Tax Data: 49.20-2-15

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

Map Date: 1/26/2015 **Date Review Received:** 2/13/2015

Item: ***CONGREGATON BNAI ARUGATH HABOSEM/160 ROUTE 306 (R-2490)***

Variances for lot area, front setback (Ralph Boulevard and Route 306), front yard (Ralph Boulevard and Route 306), total side setback, side yard, rear setback, rear yard, deck rear setback, maximum development coverage and distance between fencing and the property line to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2540 acres in an R-15C zoning district.

Southeast corner of Ralph Boulevard and Route 306

Reason for Referral:

NYS Route 306, Villages of Kaser and Spring Valley

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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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 47 percent increase over the permitted maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized lots 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.

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3 The Villages of Kaser and Spring Valley are two of the reasons this proposal was referred to this department for review. The Kaser municipal boundary is along the southern property line of the site; the Spring Valley municipal boundary is 385 feet northeast 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 Kaser and Spring Valley must be given the opportunity to review the proposal and 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 Kaser and Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

5 The Town of Ramapo Building, Planning and Zoning Department's February 2, 2015 denial letter includes comments from the Town's Chief Fire Inspector. The applicant's engineer must demonstrate that there is sufficient water to the meet the fire flows required by Section 508 of the Fire Code of NYS. An aerial apparatus road is required if the building is more than 30 feet above the lowest level of fire apparatus access.

6 A parking turnaround area must be provided so that vehicles do not have to back out into the State highway. Since no front steps/stoops are shown, it is not possible to determine if the proposed parking layout is feasible. The building footprint must be reduced so that all required on-site parking can be safely accommodated.

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

8 The Town of Ramapo Building, Planning and Zoning Department's February 2, 2015 denial letter includes variances not indicated on the bulk table. According to the denial letter, a front yard variance is required for Route 306, as well as a rear setback variance for the decks. A variance is also required for the minimum distance between fencing and the property line. Lastly, the required standards for front setback, front yard and rear setback are different. The bulk table indicates a 30-foot minimum for each; the denial letter indicates a minimum of 35 feet. All application materials must be consistent. The public hearing notice will need to be reissued if it did not include all variances required for this proposal.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation

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Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying, P.C.
Villages of Kaser and Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Bnai Arugath Habosem

**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.