



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

March 16, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.19-5-22

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

Map Date: 1/12/2015

Date Review Received: 2/13/2015

Item: *CONGREGATION BNAI ARUGATH HABOSEM (R-2489)*

Variances for front setback, front yard, total side setback, side yard, rear setback, deck rear setback, rear yard and maximum development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2320 acres in the R-15C zoning district. East side of Blauvelt Road, 130 feet north of Carlton Road

Reason for Referral:

Village of Kaser, NYS Route 306

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 maximum development coverage standard for Use Group x.1 is 50 percent. The bulk table and the Town of Ramapo Building, Planning and Zoning Department's denial letter of February 2, 2015 indicate that the required maximum development coverage cannot exceed 55 percent. This is incorrect. As a result, the extent of the required variance is understated. The applicant is proposing to develop 82 percent of the lot, or 64 percent more than the maximum permitted development coverage of 50 percent. The building footprint and the number of units must be reduced to more closely conform to the maximum development coverage standard.
- 2 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.

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3 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line 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 Village of Kaser 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 Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

5 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 64 percent increase over the maximum permitted 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.

6 The Town of Ramapo Building, Planning and Zoning Department's denial letter of February 2, 2015 indicates that a variance is required for deck rear setback. This variance is not included in the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

7 The bulk table indicates that both side yard and rear yard variances are needed because only three feet are provided rather than the required five feet. It is not clear how the three-foot side yard and rear yard are derived. This must be clarified.

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

9 The Town of Ramapo Building, Planning and Zoning Department's denial letter of February 2, 2015 includes comments from the Chief Fire Inspector. The location of existing fire hydrants must be provided; they must be within 600 feet of the site as per the New York State Fire Code. The applicant's engineer must demonstrate that there is sufficient water to meet the fire flows as required in Section 508 of the New York State Fire Code.

10 A parking turnaround area must be provided so that vehicles can maneuver safely on the site. Since front stoops or stairs are not shown on the site plan, it is not possible to determine if the proposed parking area is feasible.

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying, P.C.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Bnai Arugath Habosem/332 Blauvelt Rd

**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.

