



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

ARLENE R. MILLER
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July 21, 2015

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

Tax Data: 56.08-5-57

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

Map Date: 4/12/2015

Date Review Received: 6/26/2015

Item: *DAVID & HARRIET DEUTSCHER (R-2508)*

Variations for side setback, total side setback, side yard, rear setback, rear yard and maximum development coverage to allow the construction, maintenance and use of a three accessory apartment addition to an existing three-family residence on .3444 acres in an R-15C zoning district.
North side of Maple Leaf Road, approximately 390 feet west of Roman Boulevard

Reason for Referral:

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 The proposal before us is for an addition to an existing three-family residence that will contain three accessory apartments. The proposed addition is larger than the existing structure resulting in a sizeable building footprint. As per Section 376-65.C., accessory apartments must be between 600 and 1000 SF and cannot exceed 50 percent of the principal dwelling. In addition, Section 376-65.D. specifies that the location of the accessory apartment may not extend beyond the footprint of the principal dwelling. It appears that this proposal fails to comply with the requisite standards for accessory apartments, as well as not conforming to the R-15C bulk standards. A 47 percent variance is required for development coverage, and the side and rear yards and setbacks are all deficient. A detailed project narrative and floor plans must be submitted so it can be determined if the accessory apartments are in compliance with Section 376-65. The building footprint must be reduced to more closely conform to the R-15C bulk standards.

DAVID & HARRIET DEUTSCHER (R-2508)

2 The Villages of Kaser and Spring Valley are the two reasons this proposal was referred to this department for review. The Kaser municipal boundary is approximately 90 feet west of the site; the Spring Valley municipal boundary is approximately 250 feet southeast 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.

3 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 maximum permitted development coverage. Many yard and setback variances are also required. The ability of the existing infrastructure to accommodate increased residential density in structures that require variances 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.

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

5 A parking turnaround area is not provided. Given the location of the existing front stoop/staircase, it will be difficult for vehicles parked in the two northern parking spaces to safely exit. The number of units and the building footprint must be reduced so that the required on-site parking spaces can be safely configured.

6 The Town of Ramapo Building, Planning and Zoning Department's May 12, 2015 denial letter indicates that a variance from Section 376-62B is required for spacing between buildings. An existing shed is shown on the site plan. If it is to remain, a variance from Section 376-2B is required. The final disposition of the shed must be clarified. If this variance is needed, the notice for the public hearing will have to be reissued.

This letter also indicates that the front setback may have been measured incorrectly.

7 The May 12, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department also includes comments from the Fire Inspector. An aerial apparatus road must be provided and it must be demonstrated that there is sufficient water for fire protection.

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

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9 The scale specified on the site plan is inaccurate. The correct scale must be indicated on the map.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Civil Tec Engineering & Surveying, P.C.
Villages of Kaser and Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
David & Harriet Deutscher

**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.

