



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 23, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.16-2-25

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

Map Date: 7/27/2014

Date Review Received: 12/24/2014

Item: *YEHUDA LEFKOWITZ (R-2485)*

Variances to allow a proposed addition to an existing semi-attached, single-family dwelling with one accessory apartment on .23 acres in the R-15A zoning district. Required variances include: front yard, front setback, side setback, total side setback, rear yard (for fence). In addition, a floor area ratio variance is also listed on the site plan as being required.

West side of Caville Drive, 74 feet south of Brewer Road

Reason for Referral:

Old Nyack Turnpike (CR 52)

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 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 ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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.

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

YEHUDA LEFKOWITZ (R-2485)

3 It will difficult for a vehicle parked in space #1 to maneuver out of the space without a turnaround area. The proximity of the staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that pedestrians do not descend directly into the parking area, behind a parked vehicle.

4 Parking spaces #2 and #3 are partially located within the required five-foot shade tree easement. The Town must confirm whether Section 258-3 (the shade tree easement requirement) applies to this proposal. If Section 258-3 is applicable, the Director of Public Works shall determine if it is still possible to plant one tree for every 40 linear feet of shade tree easement, as required in Section 258-3 of the Town Code.

5 All proposed decks, exit stairways, and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans.

6 As stated in the description, a variance for floor area ratio appears to be required, yet is not indicated in the Town of Ramapo Building Department's denial letter dated December 10, 2014. The Town must review the public hearing notice to ensure that all of the required variances are stated correctly for this application, and be re-issued if it was not.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Anthony Celentano P.L.S.
New York State Department of State,
Division of Code Enforcement and Administration

**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.