



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

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County Executive

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**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

September 11, 2015

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

**Tax Data:** 56.06-2-46

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

**Map Date:** 6/3/2015

**Date Review Received:** 8/14/2015

**Item:** *MAZEL PROPERTIES I (R-2518)*

Variances for lot area, lot width, side setback, total side setback, street frontage and floor area ratio to allow the construction, maintenance and use of a two-family dwelling with one accessory apartment on .3605 acres in an R-15A zoning district.

South side of Highview Avenue, approximately 355 feet east of Remsen Avenue

**Reason for Referral:**

Highview Avenue (CR 64)

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 must be completed by the County of Rockland Department of Highways and all required permits obtained.

2 A variance of 70 percent is sought for floor area ratio. The proposed building is 1.7 times larger than the permitted maximum in the R-15A zoning district. The floor area of the residential structure must be reduced to more closely conform to the R-15A bulk standards. A smaller building footprint will reduce or eliminate the need for side setback and total side setback variances.

**MAZEL PROPERTIES I (R-2518)**

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. As noted above, the applicant is seeking a 70 percent increase over the maximum allowable floor area ratio. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's July 22, 2015 denial letter includes comments from the Town Fire Inspector. An aerial apparatus road will be required if the building exceeds 30 feet in height. Sprinklers must comply with NFPA 13. Exits, stairs and walkways cannot be within ten feet of the property line as per NYS Building Code Section 1024.3.

5 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Lanc & Tully Engineering and Surveying, P.C.  
New York State Department of State,  
Division of Code Enforcement and Administration  
Mazel Properties, LLC

*\*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.*