



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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July 1, 2015

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.07-4-51

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 6/9/2015

**Date Review Received:** 6/12/2015

**Item:** *MONSEY DEVELOPERS AND BUILDERS (R-2301C)*

Two-lot subdivision of .34 acres in the R-15 C zoning district. Semi-attached, three-family residence with two accessory apartments are proposed on each lot. Multiple variances are required to implement this subdivision.

East side of Blauvelt Road, 15 feet south of Manor Drive

**Reason for Referral:**

NYS Route 306, Village of Kaser

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 Variances were previously granted to permit the construction, maintenance and use of a detached three-family residence with three accessory apartments on this .3443 acre. The property owner now seeks to subdivide the property into two undersized parcels each requiring eight variances ranging in magnitude from 20 to 50 percent. Variances are also required for the second accessory units proposed in each residential building. Courtyard variances are needed. This proposal will result in an overutilization of the property as evidenced by the number and extent of the variances needed to implement it. The footprint of the residential structures must be reduced, and the second accessory units must be eliminated so that the proposal more closely conforms to the R-15C bulk standards.

2 Section 376-65.G.(3) prohibits more than one accessory unit in a three-family residence on a parcel less than 75 feet wide. The proposed lots are only 50 feet wide. As noted above, the second accessory units must be eliminated.

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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 proposes to create two undersized parcels and construct residences that will require numerous variances. 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.

4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is 190 feet east and 325 feet north 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 proposed residential building.

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

6 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

7 The comments in the June 16, 2015 letter from the Rockland County Department of Health must be met.

8 The comments in the June 18, 2015 letter from the Rockland County Sewer District No. 1 must be met.

9 There shall be no net increase in the peak rate of discharge from the site at all design points.

10 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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11 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

12 A turnaround area must be provided so vehicles can safely exit both parking spaces and the site.

13 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in space 2 on either lot. The dumpster enclosures must be moved to more accessible locations.

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

15 Map Note #8 lists the proposed use as a three-family, semi-attached with three and two accessory apartments. The bulk tables on Sheets 1 and 2 of 4 and the June 10, 2015 narrative submitted by Construction Expediting, Inc. indicate that two accessory apartments are proposed. Map Note #8 must be corrected.

16 The variances required to implement this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

  
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Douglas W. 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  
Monsey Fire District  
Anthony R. Celentano P.L.S.  
Village of Kaser  
New York State Department of State,  
Division of Code Enforcement & 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.*

