



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

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

January 13, 2015

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

Tax Data: 56.11-2-5

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

Map Date: 9/4/2014

Date Review Received: 12/19/2014

Item: **STEAD MANAGEMENT (R-2483)**

Two-lot subdivision of .341 acres in the R-15C zoning district. A semi-attached three-family residence with two accessory apartments is proposed on each lot. Variances will be required for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage and number of accessory units for both lots.

North side of Homestead Lane, 290 feet east of Saddle River Road and 390 feet west of Main Street

**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:

***\*Disapprove***

This subdivision proposal will result in two undersized parcels that also do not meet the lot width or street frontage requirements. The proposed residential buildings will require yard and setback variances. The maximum permitted development coverage will also be exceeded. Only one accessory unit is permitted in each three-family residence because the lot width is less than 75 feet; the applicant is proposing two accessory units in each residential structure. 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 surrounding neighborhood is characterized by similarly sized parcels most of which are currently improved with a single-family residence. If this subdivision proposal is approved and the required variances are granted, neighboring property owners will seek the same relief. As a result, the community character of this area will change significantly.

As noted above, the second accessory apartments are not permitted because the lot width of each parcel is less than 75 feet. These units must be eliminated. This will reduce the on-site parking requirement to four spaces per lot. As currently conceived, parking space #1 on both parcels is

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within the five-foot wide shade tree easement. Eliminating these parking spaces will also reduce the development coverage.

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, as well as the land use precedent that will be set.

If the Planning Board votes to override our disapproval, we offer the following recommendations.

1 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.

2 The applicant shall comply with the conditions of the County of Rockland Department of Health's letter of December 24, 2014.

3 The applicant shall comply with the conditions of the County of Rockland Sewer District No. 1's letter of January 6, 2015.

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

5 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.

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

7 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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8 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

9 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

11 It will not be possible for sanitation workers to access to the refuse enclosures if vehicles are parked in spaces 5 on each lot. The refuse enclosures must be moved to more accessible locations.

12 It appears that a wall is proposed along the west side of Lot 1. Additional information must be provided including the top and bottom elevations of the wall.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Department of Health  
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 and Administration  
Abraham Pinkovics

Rockland County Planning Board Members

*\*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.*

