



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

May 18, 2015

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

Tax Data: 56.11-2-5

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

Map Date: 2/23/2015

Date Review Received: 4/21/2015

Item: STEAD MANAGEMENT (R-2483B)

Variations for lot area, lot width, rear setback, street frontage and maximum development coverage to allow a two-lot subdivision of .341 acres in an R-15C zoning district, and the construction, maintenance and use of a three-family residence with one accessory apartment on each lot.

North side of Homestead Lane, 290 feet east of Saddle River Road, 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:

****Recommend the following modifications***

1 This 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. 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 the variances required for this proposal are granted, neighboring property owners will seek the same relief. As a result, the community character of this area will change significantly.

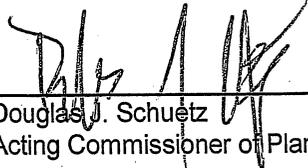
The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public 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.

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- 2 The applicant must comply with the conditions of the Rockland County Department of Health's March 9, 2015 letter.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's March 10, 2015 letter.
- 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 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 It will not be possible for sanitation workers to access to the refuse enclosures if vehicles are parked in spaces 1 and 2 on each lot. In addition, the refuse container on Lot #1 is encroaching into the 5' wide shade tree easement. The refuse enclosures must be moved to more accessible locations and kept out of the easement.
- 8 No turnaround area is provided for the parking lot. In addition, the parking spaces are located directly adjacent to the proposed walk, with no buffer area between the two. To ensure maneuverability on the site, and to prevent accidents between the vehicles and pedestrians, a turnaround area that eliminates the need for vehicles to back towards the walk must be provided.



Douglas J. 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.

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Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Stead Management

**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.

