

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 25, 2016

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

Tax Data: 56.07-4-31

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

Map Date: 2/12/2016

Date Review Received: 4/8/2016

Item: 11 BLAUVELT (R-2554)

Variances for lot area, front setback, front yard, side setback, total side setback, rear setback and maximum development coverage to allow the construction, maintenance and use of a three-family residence with one accessory apartment on .1758 acres in an R-15C zoning district.

West side of Blauvelt Road, approximately 105 feet north of Maple Avenue

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 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Blauvelt Road, approximately 33 feet east of the site, as well as 105 feet south 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

11 BLAUVELT (R-2554)

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

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

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 is seeking a 49 percent reduction in the minimum lot area requirement and a 30 percent increase over the maximum permitted development coverage, as well as setback and yard variances. The ability of the existing infrastructure to accommodate residences of this size 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. The building footprint must be decreased and the number of units reduced so that the proposal more closely conforms to the R-15C bulk standards.

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

5 The Town of Ramapo Building, Planning and Zoning Department's March 17, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include: 1) sprinklers must comply with NFPA 13R; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 4) if a portion of the building is within 10 feet of the property line, a one-hour rated exterior wall is required; 5)) the location of the nearest fire hydrant must be shown; and 6) fire department connections must be mounted on the street side of the building.

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

7 It will difficult for a vehicles parked in spaces 1 and 4 to maneuver out of the space without a turnaround area. The proximity of the porch and 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. The porch and staircase must be set back from the parking area to ensure pedestrian safety. As noted above, this can be accomplished by reducing the building footprint and decreasing the number of units.

8 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

9 The Town of Ramapo Building, Planning and Zoning Department's March 17, 2016 denial letter indicates that a rear setback variance is required for the deck. This variance is not included on the bulk table. The lot area and side setback variances noted on the bulk table are not included in the March 28, 2106 letter from the applicant's engineer. All application materials must be consistent. The required variances must be clarified. The public hearing notice must be reissued if it did not contain all variances needed for this proposal.

11 BLAUVELT (R-2554)

10 The site plan must include map notes.



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
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.L.S.
Village of Kaser

Trodale Developers

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

