

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 26, 2016

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

Tax Data: 56.07-4-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/7/2015

Date Review Received: 4/7/2016

Item: *129 ROUTE 306 LLC (R-2427A)*

Front yard and front setback variances are now required to allow the continued construction, maintenance and use of a three-family residence with three accessory apartments on .3076 acres in an R-15C zoning district. Variances were previously granted for side setback, total side setback, rear setback, maximum development coverage, deck rear setback, wall/fence height and wall/fence setbacks. West side of Route 306, 670 feet south of Phyllis Terrace

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 An updated review of the December 7, 2015 final survey shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. In addition, the applicant must comply with the conditions of DOT's January 27, 2014 letter.
- 2 Seven parking spaces are shown on the site plan. One of these spaces extends beyond the property line; four spaces are located wholly or partially beyond the designated street line. We believe a parking variance is also necessary as all required parking must be provided within the property line and out of the designated street line. Vehicles cannot reverse into the State right-of-way. All required parking must be contained on-site so no parking occurs within the right-of-way. If Route 306 is widened, this site will have insufficient parking. Off-site parking arrangements must be made.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of January 23, 2015.

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4 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 has been granted a 50 percent increase over the maximum allowable development coverage on a steeply-sloped, non-conforming parcel. Height and setback variances were approved for the proposed retaining walls, as well as several setback variances. The applicant is now seeking front yard and front setback variances because the location of the designated street line was not included on the original map. As stated above, we believe this also creates the need for a parking variance. The ability of the existing infrastructure to accommodate increased residential density on non-conforming 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.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. A previous denial letter dated November 27, 2013 from the Town of Ramapo Building, Planning and Zoning Department noted that an aerial apparatus road is required due to the steep slopes. It further indicated that a New York State variance is necessary because stairs or ramps are within ten feet of the property line.

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 The Town of Ramapo Building, Planning and Zoning Department's denial letter of April 4, 2016 indicates that variances are also required for side yard and fence setback. These variances are not included on the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not contain all of the required variances.

8 It will be difficult for sanitation workers to access the dumpster if a vehicle is parked in the southwestern parking space. The dumpster must be moved to a more accessible location.

9 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306 immediately east 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.

10 The site plan must include map notes.

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Douglas J. Schiletz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland Community College
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

129 RT 306 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.

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.

