

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 8, 2016

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

**Tax Data:** 49.19-5-31

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

**Map Date:** 4/12/2016

**Date Review Received:** 6/3/2016

**Item:** 181 BLAUVELT ROAD, LLC. (R-2562)

Variances for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage and outer court width to permit a two-lot subdivision of .4048 acres in the R-15C zoning district, and the construction, maintenance and use of a semi-attached, three-family dwelling with one accessory apartment on each parcel.

West side of Blauvelt Road, approximately 260 feet south of Carlton Road

**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, non-conforming parcels that are deficient in meeting the minimum standards for lot area, lot width and street frontage. The applicant is seeking a residential density of almost 20 units per acre. The proposed residential structures will require variances for side yard, rear setback and development coverage. The dwellings will also need variances from the requirements of the New York State Uniform Fire Prevention and Building Code. We recommend that the two-lot subdivision be denied and a more closely complying development proposal be submitted for the .4048-acre site.

The following comments address our additional concerns about this application.

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1 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 to create undersized, non-conforming lots that will each require a 20 percent increase over the permitted maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized, 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. The building footprint and the number of units must be reduced to more closely conform to the R-15C bulk requirements.

2 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 185 feet east and 65 feet southeast 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.

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

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

5 It is unclear why an indoor garage space is proposed on each lot to house a fifth parking space. These parking spaces are not required. The garage structure shall be removed. This will reduce or eliminate the need for a maximum development coverage variance.

6 The application materials indicate that each residential structure will consist of a townhouse unit with an accessory apartment plus two flats for a total of four units. The unit configuration is unclear. The living space appears to be located within the western portion of the structures with garage space provided on the east side of the semi-attached buildings. However, a deck is shown on each garage structure. Will living space be provided within the garage buildings? Floor plans must be submitted showing the location of the townhouse units, the accessory apartments and the flats.

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7 It will difficult for vehicles parked in the westernmost spaces to maneuver out of these spaces without a turnaround area. The proximity of the garage structure is also a concern. No stairs or exits are shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

8 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked the westernmost spaces. The dumpster enclosure must be moved to a more accessible location.

9 A five-foot wide shade tree easement is not indicated on the ZBA plan. The Town must confirm whether Section 258-3 applies to this proposal. The Director of Public Works shall determine if it is possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

10 The Town of Ramapo Building, Planning & Zoning Department's March 24, 2016 denial letter indicates that variances are required for maximum height and number of accessory apartments. These variances are not included on the bulk table. Section 376-41, Table of Bulk Requirements, includes a footnote which states "the maximum height in R-15C shall be 40 feet, for the purposes of enhancing roof design." Therefore, we do not believe a height variance is required. As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The application materials indicate that only one accessory apartment is proposed. The need for these variances must be clarified. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

11 The ZBA is lacking several features that must be provided including the engineer's stamp or seal. Map notes that list all appropriate information, including the district details shall be included. A north arrow and scale must be provided for the vicinity map.

12 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

  
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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  
New York State Department of State,  
Division of Code Enforcement & Administration  
Rockland County Office of Fire and Emergency Services  
  
Civil Tec Engineering & Surveying PC  
Village of Kaser

Blauvelt Housing LLC

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.*

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*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.*