



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 28, 2016

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-5-31

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 8/1/2016

Date Review Received: 8/31/2016

Item: *181 BLAUVELT SUBDIVISION (R-2562A)*

Two-lot subdivision of .4137 acres in the R-15C zoning district to permit the construction of a semi-attached, three-family dwelling with one accessory apartment on each parcel. Variances for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage, and outer court width have been granted by the Zoning Board of Appeals on July 28, 2016.

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:

****Recommend the following modifications***

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% increase over the permitted maximum development coverage, side yards that are deficient by 45%, and lot widths that over 27% narrower than required. 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.

181 BLAUVELT SUBDIVISION (R-2562A)

- 2 All proposed exit stairways must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.
- 3 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 the maximum development coverage so that it better conforms to the Town's standards.
- 4 It will be 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.
- 5 Only one tree appears to be planted within the five-foot wide shade tree easement. The Director of Public Works must determine if other trees are required since Section 258-3 of the Town Code stipulates that one tree must be planted for every 40 linear feet of shade tree easement.
- 6 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in the westernmost spaces. The dumpster enclosure must be moved to a more accessible location.
- 7 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.
- 8 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.
- 9 The comments in the July 26, 2016 letter from the Rockland County Sewer District #1 must be met.
- 10 The comments in the September 6, 2016 letter from the Rockland County Department of Health must be met.

181 BLAUVELT SUBDIVISION (R-2562A)

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

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

13 The site plan does not contain a north arrow or scale for the vicinity map. These features must be added to the site plan.



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 Sewer District #1
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
New York State Department of State,
Division of Code Enforcement & Administration
Monsey Fire District

Civil Tec Engineering & Surveying PC
Village of Kaser

**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.

