

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 2, 2016

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

Tax Data: 56.08-2-52

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/22/2016

Date Review Received: 7/7/2016

Item: 4 SUZANNE DRIVE (R-2566)

Variations for lot area, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family dwelling with three accessory apartments.

East side of Suzanne Drive, opposite Leon Drive

Reason for Referral:

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 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 460 feet west of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

2 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 40 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized lots 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.

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- 3 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.
- 4 The Town of Ramapo Building, Planning & Zoning Department's May 26, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include: 1) the building must be sprinklered as per NFPA 13R; 2) fire department connections must be mounted on the street side of the building; 3) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 4) sufficient parking must be provided so that fire department access is not blocked; 5) the location of the nearest fire hydrant must be shown; 6) the exit access to public way must be provided as per NYS Fire Code 1024.6; 7) the exit discharge location shall be located at least 10 feet from adjacent lot lines as per NYS Fire Code 1024.3; and 8) if any portion of the building is more than 30 feet above the lowest level of fire department access, an aerial apparatus road must be provided in compliance with Appendix D105 of the NYS Fire Code.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 The Town of Ramapo Building, Planning & Zoning Department's May 26, 2016 denial letter indicates that a fence setback variance is required. This variance is not shown on the bulk table. All application materials must be consistent. The public hearing notice must be reissued if it did not include all required variances.
- 7 It will difficult for a vehicle parked in space #3 or #4 to maneuver out of the space without a turnaround area. No sidewalks, front staircases, or exits have been 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 front stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.
- 8 The bulk table indicates that a rear setback variance is required for a deck. However, a deck is not illustrated on the site plan. The need for this variance must be clarified.
- 9 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.
- 10 The site plan shall include map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State,

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Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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

S. Oberlander

**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.

