

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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August 25, 2016

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

Tax Data: 56.07-4-17

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

Map Date: 5/26/2016

Date Review Received: 7/28/2016

Item: *KEREN BATIM (R-2524A)*

Variations for lot area, front setback, front yard, total side setback, rear setback, maximum development coverage, and deck rear setback to permit the construction, maintenance and use of a three-family dwelling with two accessory apartments on .262 acres in the R-15C zoning district.

West side of NYS Route 306, approximately 121 feet north of Maple Avenue

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 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the east (front yard) and west (rear yard) property boundaries 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 county-wide 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 which is supportive of the goals and objectives of the general area.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater

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management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

2 A review shall be completed by the New York State Department of Transportation and all 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 development coverage exceeds the allowable maximum percentage by 30%. Several substantial yard and setback variances are also required. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 must be scaled back and the number of units reduced to more closely conform to the R-15C bulk requirements.

4 The proposed residential structure is exactly the same size as in the previous submission despite the fact that two accessory apartments are now proposed in the three-family residence. The elimination of one accessory apartment should result in a smaller structure, a reduced floor area ratio and more closely complying yards and setbacks. Only the development coverage has decreased as a result of the removal of one parking space. An explanation must be provided as to why the magnitude of most of the required variances has not lessened.

5 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.

6 The Town of Ramapo Building, Planning & Zoning Department's June 1, 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 fire flow to meet the requirements of NYS Fire Code 508.3;
- 4) the applicant must provide sufficient parking so that fire department access is not blocked;
- 5) the location of the nearest fire hydrant must be shown;
- 6) an exit access to the public way must be provided as per 1024.6 NYS Fire Code; and
- 7) if any portion of the building exceeds 30 feet in height above the lowest level of fire department access, an aerial apparatus road must be provided for compliance with appendix with NYS Fire Code D105.

7 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The Town of Ramapo Building, Planning & Zoning Department's June 1, 2016 denial letter indicates that a variance is required for fence setback. This variance is not included in the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all required variances.

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9 It will difficult for a vehicle parked in space 3 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to access 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, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

10 All proposed exits, stairways and sidewalks must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

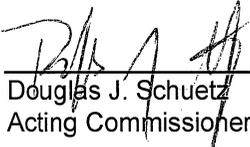
11 Parking spaces 2 and 5, the dumpster enclosure and a portion of spaces 1 and 4 are located beyond the designated street line of the state highway. This is unacceptable. Future road improvements along NYS Route 306 could require the taking of this land area resulting in insufficient on-site parking. As noted above, the building footprint must be scaled back and the number of units reduced so that all required on-site parking and the dumpster enclosure are contained inside the designated street line.

12 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in spaces 4 and 5. The dumpster enclosure must be moved to a more accessible location.

13 An updated review of the May 26, 2016 site plan must be completed by the Rockland County Sewer District #1 and all required permits obtained. In addition, the applicant must comply with the Sewer District's letter of November 18, 2015.

14 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

15 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
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
Monsey Fire District

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

Keren Batim

**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.