



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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January 15, 2016

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

Tax Data: 56.07-4-43

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

Map Date: 10/7/2015

Date Review Received: 12/16/2015

Item: *BRUCHA HOMES, LLC (R-2539)*

Variations to permit demolition of a single-family dwelling, and construction of a three-family residence with three accessory apartments located in the R-15C zoning district on .22 acres. Required variations include lot area, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage, floor area ratio, and rear setback deck. It is also indicated that a height variance may be required since no height measurement is provided.

East side of Blauvelt Road, approximately 55 feet north of Hopal Lane

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:

****Disapprove***

A minimum lot area of 15,000 SF is required for this use. The subject site is only 9,603 SF necessitating a lot area variance of almost 50 percent. This proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variations sought. In addition to the lot area deficiency, many yard and setback variations are required. A variance of 50 percent is needed for maximum development coverage and the floor area ratio is almost 17% over the allowable maximum. The on-site parking requirement is achieved, but no turnaround area is provided, nor is it clear whether the exit stairs/accesses can be accommodated on site without interfering with the parking spaces, as these features are not depicted. In addition, this neighborhood is characterized predominantly by single-family residences, and the granting of this use with the number and extent of the proposed variations can set an unwanted precedent, thereby changing the character of the surrounding area.

The total number of units and the size of the building must be reduced so that no variations are

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required to implement the proposal, especially since the lot area does not meet the required 15,000 SF for this proposed detached residence.

The following recommendations address our additional concerns about the requested variances.

1 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is 180 feet south and 84 feet 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.

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 an increase of 50% over the maximum permitted development coverage and a 17% increase over the floor area ratio, which is already generous at 90%. 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.

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

4 The Town of Ramapo Building, Planning and Zoning Department's denial letter of December 9, 2015 includes the Fire Inspector's comments that must be addressed. These include: 1) sprinklers must comply with NFPA 13R requirements; 2) it must be demonstrated that there is sufficient water to meet fire flow demands as per NYS Fire code 508.3; 3) if a portion of the building is within 10 feet of the property line, a one-hour rated exterior wall is required; 4) decks, exits, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) the location of the nearest hydrant must be shown; 6) fire flows must comply with NYS Fire Code 508.3; 6) if a building exceeds 30 feet from the lowest level of fire department access, an aerial apparatus road is required; and 7) if the furthest point of the building is not within 600 feet of the closest fire hydrant, then an additional fire hydrant is required as per NYS Fire code 508.5.1 exception #2. These comments must all be addressed.

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5 Sidewalks, all exterior stairs, window wells, area ways and entrances for the proposed residential building must be shown on the site plan. The middle building only depicts a proposed deck; no porch, stairs or other ingress/egress is provided. The two southernmost building entrances may be conflictive with the proposed parking area. It must be clearly illustrated that these building features are compatible with the proposed parking area layout. A turnaround area must be provided so that vehicles do not have to back out into the road. Exterior stairs and ramps cannot be within ten feet of the property line. The building footprint must be reduced if these features encroach into the required setbacks or are in conflict with the parking area.

6 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

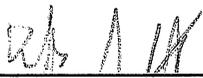
7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

8 The bulk table indicates that the required building height is limited to 30 feet. The December 9, 2015 letter from the Town of Ramapo Building, Planning & Zoning Department indicates that the required building height can be no higher than 40 feet, and that no height is provided, making it impossible to determine if this bulk requirement complies. The required height measurement must be consistent, and the proposed building height must be provided so that it can be determined if the proposal meets this regulation.

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Ramapo fire inspector, and the Monsey Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles.

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

11 No map notes are provided on the plans. Pertinent information must be provided regarding the site, such as the districts in which the parcel is located.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Drainage Agency
Monsey Fire District
Anthony R. Celentano P.L.S.
Village of Kaser

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.