



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

November 3, 2016

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

**Tax Data:** 56.08-2-28

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

**Map Date:** 8/18/2016

**Date Review Received:** 10/6/2016

**Item:** *CONGREGATION BAIS YEHUDA D'GANITCH (R-2445A)*

Variations for side yard and deck rear setback to permit the continued construction, maintenance and use of a three-family residence with three accessory apartments on .2335 acres in an R-15C zoning district. Front setback, front yard, side setback, total side setback, rear setback, maximum development coverage, deck rear setback and parking variations were previously granted.

South side of Leon Drive, 105 feet west of Suzanne 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 230 feet west 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

**CONGREGATION BAIS YEHUDA D'GANITCH (R-2445A)**

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 has been granted a 50 percent increase over the maximum permitted development coverage of .50, as well as several yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on non-conforming 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.

3 The proposed parking spaces must be shown on the site plan. All required on-site parking shall be provided, or the number of residential units reduced. Aerial photography available to this department shows numerous vehicles parked along Leon Drive and in the cul-de-sac. This raises concerns about whether there is sufficient space for fire and emergency service vehicles to access residences and maneuver on this dead-end street.

4 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. As shown, the proposed residential development will require a variance from the New York State Uniform Fire Prevention and Building Code since the walkways are located closer than ten feet to the property line. In addition, since no specific building height has been provided, it cannot be determined if the building is greater than 30 feet to the eaves, and if an aerial apparatus road is required. This information must be provided.

5 The Town of Ramapo Building, Planning & Zoning Department's September 7, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 1) sprinklers must comply with NFPA 13R;
- 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3;
- 3) if a portion of the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS Fire Code Appendix D Section D105;
- 4) the location of the nearest fire hydrant must be shown;
- 5) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7; and
- 6) an additional fire hydrant may be required if there is not one within 600 feet of the furthest point of the building as per NYS Fire Code 508.5.1 exception 2.

6 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.

**CONGREGATION BAIS YEHUDA D'GANITCH (R-2445A)**

7 The location of the dumpster enclosure/refuse containment area must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements or parking maneuverability for the site.

8 The site plan shall contain map notes that list all appropriate information, including the district details.

  
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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  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District

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

Juda Rosenfeld

*\*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.*

