Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 11, 2016

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

Tax Data: 56.07-4-41

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/12/2016 **Date Review Received:** 6/6/2016

Item: ***CONGREGATION BLAUVELT (R-2447D)***

Variances to allow construction of a three-family dwelling with one accessory apartment on a parcel located in the R-15C zoning district on .2065 acres. Requested variances include: front setback, front yard, total side setback, rear setback, maximum development coverage, and rear setback deck.
East side of Blauvelt Road, opposite Hopal Lane, and 300 feet north of Maple Avenue

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 As noted in our March 17, 2016 review, the application submitted in January of 2015 was for a three-family with two accessory apartments. The current application is for one less accessory apartment; however, several of the variances are as great, or greater than before. A reduction in the number of units should translate into a reduction in the magnitude of the variances for setbacks, yards, and development coverage. For example, the front setback and yard is now one foot more deficient, the rear setback five feet closer, and the maximum development coverage is now 30% greater than permitted. While only four parking spaces are now indicated, the area previously designated as the northeast parking space is labeled as a garbage enclosure with no feature on the map. The building footprint must be reduced to reflect the lesser number of units proposed. The area that comprised the fifth parking space must be eliminated and an actual garbage enclosure illustrated on the site plan. A parking turnaround must be provided.

2 Since there are no exterior stairs or walkways depicted on the current site plan, it is not possible to determine if their location will affect the yard requirements or prevent vehicles from safely maneuvering in and out of parking spaces. The applicant is attempting to accommodate a large residential building, four parking spaces and a garbage enclosure on the 8,070 SF of useable land area on this parcel. A residential structure of this magnitude is inappropriate for this environmentally constrained site. The building footprint must be reduced, and the accessory unit eliminated.

3 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 8,997 SF or 40 percent smaller than the minimum lot area required for new three-family residences in the R-15C zoning district. It is further compromised by an approximately ten-foot wide drainage easement that runs 100 feet from the Blauvelt Road frontage to the rear property line on the north side of the site. This 1000 SF is rendered useless for development purposes.

Given that this site benefits from the application of Section 376-131 and is constrained by a large easement area, the proposed number of units must be further reduced. As noted above, we recommend that the one accessory unit be eliminated, and the building footprint be reduced.

4 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 30 percent increase over the maximum permitted development coverage. 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.

5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the southern property line and 100 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.

6 An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.

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7 The applicant must comply with the conditions of the January 29, 2016 letter from the Rockland County Sewer District No. 1.

8 As indicated in the April 27, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments that must be addressed. These include: 1) sprinklers must comply with NFPA 13R requirements; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire code 508.3; 3) if the building exceeds 30 feet in height above the lowest level of fire department access, an aerial apparatus road is required to comply with NYS Fire Code D105; 4) decks, 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; and 6) fire department connections must be mounted to the street side of the building.

9 The denial letter indicates that a fence setback variance is required. This variance is not noted on the bulk table. All application materials must be consistent. The public hearing notice must be reissued if it did not include all of the required variances.

10 An actual garbage enclosure is no longer shown on the site plan. As noted above, the former fifth parking space is now labeled "garbage enclosure" with no structure illustrated. A refuse facility must be clearly indicated on the site plan and easily accessible to sanitation workers; access must not be hampered by parked vehicles.

11 The site plan does not contain any map notes that provide pertinent information about the site. Map notes that describe, as a minimum, the appropriate districts in which the parcel is located, 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 Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.L.S.
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.

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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.