

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 4, 2016

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

Tax Data: 56.07-4-48

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/13/2016

Date Review Received: 4/8/2016

Item: *AHARON FRIEDMAN (R-2223A)*

Variations for 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 residence with three accessory apartments on .2218 acres in an R-15C zoning district. This non-complying lot is subject to Section 376-131.D(1)(a) through (f).
East side of Blauvelt Road, 50 feet south of Cameo Ridge Road

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 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 applicant is proposing a residential building with a Floor Area Ratio (FAR) of .90 with 75 percent of the undersized, 9,660 SF lot developed. This is the maximum standard for FAR and a 50 percent increase over the maximum standard for development coverage for this use in the R-15C zoning district. Since the lot area is almost 36 percent less than the minimum required for conforming lots, variations are also required for total side setback, rear setback and rear deck setback. This department is not in favor of new construction projects that do not meet the bulk requirements of the zone in which they are proposed. Given that this site benefits from the application of Section 376-131, we recommend that the proposed residential building be scaled back and the number of units reduced to more closely conform to the R-15C bulk standards.

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2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

3 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306, approximately 185 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.

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. As noted above, the applicant is seeking a 50 percent increase over the maximum permitted development coverage, as well as yard and setback variances. 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 proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 The Town of Ramapo Building, Planning & Zoning Department's March 1, 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 D105; 4) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) fire department connections must be mounted on the street side of the building; 6) the fire alarm must be connected to 44 Control; and 7) the location of the nearest fire hydrant must be shown.

7 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road must be provided.

8 A review must be completed by the County of Rockland Office of Fire and Emergency Services or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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9 More detailed information must be provided about the accessory apartments to determine if they comply with the applicable supplementary regulations outlined in Section 376-65 of Article VI.

10 A parking turnaround area must be provide. Vehicles parked in spaces 3 and 6 will have difficulty entering and exiting this space. Given the proximity of the entrance stairs and the deck to the parking area, we recommend that a smaller structure with fewer units be reconfigured on the site so that the required parking can be safely provided. The current layout raises pedestrian safety concerns.

11 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 3. The dumpster enclosure must be moved to a more accessible location.

12 The site plan must include map notes.

13 The designated street line must be more clearly labeled on the site plan. The label is currently overlapped with a tree symbol.

14 The title of the map is spelled differently than what is indicated on the application form and in the project narrative. It is also spelled incorrectly on the GML referral form. All application materials must be consistent.



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.E.
Village of Kaser

Aharon Friedman

**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.