

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

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

August 22, 2016

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

**Tax Data:** 56.07-4-1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 6/10/2016

**Date Review Received:** 7/28/2016

**Item:** *LUCKY START, LLC. (R-2571)*

Variations to permit the construction of a three-family dwelling with three accessory apartments located in the R-15C zoning district on .468 acres. Required variations include: side setback, total side setback, side yard, rear setback, rear deck setback and development coverage.

East side of Blauvelt Road, just south of the northern leg of Manor Drive

**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 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 allowable development coverage, and is at the maximum permitted for floor area ratio. The ability of the existing infrastructure to accommodate oversized facilities on 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. Given the extent of the variations requested, this project must be scaled back and the number of accessory units reduced.

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2 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 building will require a variance from the New York State Uniform Fire Prevention and Building Code (NYS UFPBC) since the proposed decks, stairs, and window wells are located closer than ten feet to the property line. In addition, since the proposed building is higher than 30 feet to the eaves, an aerial apparatus road must be provided. The project must be scaled back and the number of units reduced so that the building complies with the NYS UFPBC.

3 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is directly north and 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 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 management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

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

5 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.

6 As indicated in the July 11, 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; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) exits, stairways and ramps are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 4) 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; 4) the location of the nearest fire hydrant must be shown; 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; 7) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7; and 8) the fire alarm must be connected to 44 Control.

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7 The Town of Ramapo denial letter dated July 11, 2016 states that variances are also required for the fence location, and the lack of a turnaround for the garage space. These variances are not noted on the site plan. All materials must be consistent. If the public hearing notice does not indicate that these two additional variances are required, then it will have to be re-issued. The site plan must be updated to include these two variances.

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

9 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Drainage Agency  
Rockland County Office of Fire and Emergency Services  
New York State Department of State,  
Division of Code Enforcement & Administration  
Monsey Fire District  
New York State Department of Transportation  
Rockland County Sewer District #1  
Rockland County Department of Health  
  
Lanc & Tully Engineering & Surveying, P.C.  
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.*

*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.*

