Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 16, 2016

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

Tax Data: 56.11-2-82.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/12/2016 **Date Review Received:** 7/7/2016

Item: ***MAZEL MANAGEMENT/12 LANE STREET - LOT B (R-2443D)***

Variances for side setback, rear setback, side yard and wall setback to allow the continued construction, maintenance and use of a semi-attached, three-family dwelling with three accessory apartments on .3225 acres in an R-15C zoning district. Variances were previously granted for front setback, front yard, side setback, rear setback, deck rear setback, maximum development coverage and maximum wall height. Changes in grade during construction resulted in the need for additional variances.

North side of Lane Street, approximately 325 feet west of Route 306

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 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. Several substantial variances were previously granted for this proposal including a 20 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density 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.

MAZEL MANAGEMENT/12 LANE STREET - LOT B (R-2443D)

2 An updated review of the April 12, 2016 site plan must be completed by the Rockland County Health Department. In addition, the applicant must comply with the conditions of the Health Department's September 29, 2014 letter.

3 An updated review of the April 12, 2016 site plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Sewer District's September 29, 2014 letter.

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 building will require a variance from the New York State Uniform Fire Prevention and Building Code since the window wells and walkway are located closer than ten feet to the property line. In addition, an aerial apparatus road must be provided since the building is over 30 feet.

5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

6 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.

7 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 345 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the required variances and provide any concerns related to the project to the Town of Ramapo.

8 It will be difficult for a vehicle parked in the handicapped space to easily maneuver out of the space due to the proximity of the walkway and the residential building. This raises safety concerns. The potential for traffic conflicts between pedestrians and vehicles is great. A resident traversing the proposed walks will be directly behind or adjacent to a reversing vehicle. A turnaround area must be provided.

9 The bulk table indicates that a variance is required for total side setback. This variance is not included in the Town of Ramapo Building, Planning & Zoning Department's April 26, 2016 denial letter. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

10 As indicated in the aforementioned denial letter, the proposed decks must be shown on the plot plan, and conform to the Town and State building codes.

11 A window well is shown on the north side of the central portion of the semi-attached building just west of the eastern property line. This window well is more deficient in terms of side setback than the one on the east side of the building. The bulk table must be revised to reflect the correct side setback variance.

12 The map notes on the site plan shall contain all appropriate information, including the district details.

MAZEL MANAGEMENT/12 LANE STREET - LOT B (R-2443D)

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

Lanc & Tully Engineering and Surveying, P.C.
Village of Kaser

Lane Street Builders LLC

**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.