Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 28, 2016

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

Tax Data: 49.15-2-47.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/4/2015 **Date Review Received:** 4/7/2016

Item: ***RIGHT STEP 5 LLC./4 WEINER DRIVE (R-867HH)***

Variances for front setback, front yard, rear setback and maximum development coverage to allow the construction, maintenance and use of a semi-attached, three-family dwelling with three accessory apartments on .2345 acres in an R-15C zoning district.
North side of Weiner Drive, approximately 95 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 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject site is 62.5 feet. Therefore, one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

2 The March 7, 2016 denial letter from the Town of Ramapo Building, Planning and Zoning Department indicates that a variance is required for more than one accessory apartment. This variance is not included on the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all of the required variances.

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

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 an almost 22 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 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 approximately 195 south and 235 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 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 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 The March 7, 2016 denial letter from the Town of Ramapo Building, Planning and Zoning Department contains comments from the Town Fire Inspector which 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) the location of the nearest fire hydrant must be shown; 4) 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; 5) fire department connections must be mounted on the street side of the building; and 6) decks, ramps and stairways are not permitted within ten feet of the property line as per NYS Code 1024.3.

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

9 It is not possible to determine the height of the building as it is listed on the bulk table as <35'. The actual height must be specified in order to determine if an aerial apparatus road must be provided.

10 The rectangular feature at the southwest corner of the building must be labeled. It is unclear whether it is part of the building or a stoop or porch. As a result, it is not possible to determine if the front yard and setback should be measured from this feature. Clarification must be provided.

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11 It will be difficult for vehicles parked in spaces 1 and 4 to maneuver in and out of these spaces. A turnaround area must be provided.

12 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in spaces 1, 2 or 3. The dumpster enclosure must be moved to a more accessible location.

13 The site plan must include map notes.

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

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

Right Step 5 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.