

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 27, 2016

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

Tax Data: 56.07-4-53

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 2/22/2016

Date Review Received: 4/7/2016

Item: *JUDITH ROSENBERG (R-2448A)*

A side yard variance is required to allow the continued construction, maintenance and use of a three-family residence with three accessory apartments on .3549 gross acres (.3468 net acres) in an R-15C zoning district. Variances for front setback, front yard, total side setback and maximum development coverage were previously granted.

East side of Blauvelt Road, opposite Manor Drive and 200 feet north of Cameo Ridge Road

Reason for Referral:

Village of Kaser, 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 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is 160 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

JUDITH ROSENBERG (R-2448A)

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.

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

3 An updated review of the February 22, 2016 map must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District No. 1's May 22, 2014 letter.

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 was previously granted a 30 percent increase over the maximum permitted development coverage, as well as yard and setback variances. A side yard variance is now sought. The ability of the existing infrastructure to accommodate increased residential density on non-conforming lots 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 and Zoning Department's March 1, 2016 denial letter 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) if a portion of 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 ten feet of a property line as per NYS Fire Code 1024.3; 5) fire department connections are to be mounted on the street-side of the building; and 6) the fire alarm must be connected to 44 Control.

7 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.

8 It is not possible to determine if six on-site parking spaces can be safely configured on this parcel. The required parking must be clearly delineated on the site plan. Adequate turnaround areas must be provided so vehicles do not back out onto the road. The front staircase ends at the parking area raising the question of pedestrian safety. It is possible that a resident descending the stairs will walk directly behind a parked vehicle.

9 The Town of Ramapo Building, Planning and Zoning Department's March 1, 2016 denial letter indicates that increased variances are now required for side setback and total side setback, as well as a fence setback variance. These variances are not included on the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not contain all required variances.

JUDITH ROSENBERG (R-2448A)

10 The bulk table on the February 22, 2016 map specifies that the proposed development coverage is now .50. The previous submission indicated a .65 development coverage which required a variance. A development coverage calculation must be provided and the reason for the reduction must be clarified.

11 A dumpster enclosure must be shown on the site plan. Sanitation workers must have easy access to the dumpster.

12 The site plan must include map notes and a north arrow on the vicinity map.



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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

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

Judith Rosenberg

**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.

