

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 17, 2016

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

Tax Data: 56.11-2-3

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

Map Date: 12/10/2015

Date Review Received: 2/18/2016

Item: *ESTHER & HARVEY WAXMAN (R-2546)*

Variations for front yard, side yard, rear setback, deck rear setback, maximum development coverage, less than 50 percent of the party sidewall length attached and outer courtyard width to allow the construction, maintenance and use of a semi-attached, three-family residence with three accessory apartments on .2711 acres in an R-15C zoning district.

North side of Homestead Lane, approximately 125 east of North Saddle River Road

Reason for Referral:

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. The applicant is seeking an increase of more than 18 percent over the permitted maximum 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.
- 2 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

ESTHER & HARVEY WAXMAN (R-2546)

3 The Town of Ramapo Building, Planning and Zoning Department's denial letter of December 29, 2015 contains comments from the Fire Inspector, which 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 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, exits, ramps and stairways are not permitted within ten feet of a property line as per NYS Fire Code 1024.3; 5) the location of the nearest fire hydrant must be shown; and 6) fire department connections are to be mounted on the street side of the building.

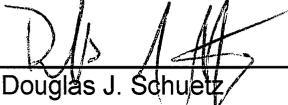
4 The aforementioned denial letter indicates that a variance is required for the outer courtyard. This variance is not noted on the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all required variances.

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

6 The parking turnaround area is very shallow at three feet. It will be difficult for vehicles parked in the northern parking spaces to exit in such a confined spaced. The turnaround area must be enlarged.

7 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along the northern property line 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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

Esther and Harvey Waxman

**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.

