

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 25, 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: 9/1/2016

Date Review Received: 9/21/2016

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

Variations for floor area ratio, rear setback (to window well) and side setback (to window well) 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. The ZBA previously granted variations for front yard, side yard, rear setback, deck rear setback, maximum development coverage and party wall length. 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. 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

ESTHER & HARVEY WAXMAN (R-2546A)

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 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 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.

3 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.

4 The Town of Ramapo Building, Planning and Zoning Department's September 21, 2016 denial letter contains comments from the Fire Inspector 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) 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) Exterior exit stairways and walkways are not permitted within ten feet of a property line as per NYS IFC 1027.5;
- 5) fire department connections are to be mounted on the street side of the building;
- 6) the fire alarm is to be connected to 44 control; and
- 7) the location of the nearest fire hydrant must be shown.

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 The Town of Ramapo Building, Planning & Zoning Department's September 21, 2016 denial letter indicates that a variance is required for outer court dimensions. This variance is not included in the bulk table. The denial letter also indicates that the definition of semi-attached is not met. It is our understanding that this variance was previously granted. Clarification must be provided. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

7 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.

8 All proposed areaways, deck stairs, areaways, entrances and stoops must be illustrated on the site plan demonstrating that they will not impact yard requirements, pedestrian movement or parking maneuverability on the site.

ESTHER & HARVEY WAXMAN (R-2546A)

9 An updated review of the September 1, 2016 plot plan must be completed by the Rockland County Sewer District #1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's March 24, 2016 letter.

10 The bulk table footnote reference for the "Definitions" section of the Zoning Code is incorrect. The reference must be changed to Section 376-5.

11 A scale must be provided for the vicinity map.



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
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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.

