

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 10, 2017

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

**Tax Data:** 49.19-5-13

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

**Map Date:** 1/17/2017

**Date Review Received:** 7/10/2017

**Item:** *MOSHE BERGER (R-2610)*

Variances to permit the demolition of an existing single-family dwelling, and construction of a new single-family dwelling located on .385 acres in the R-15A zoning district. Required variances include: front setback, front yard, side setback, total side setback, maximum development coverage, floor area ratio, side setback to the concrete steps, and total side setback to the concrete steps.

East side of Dunhill Lane, approximately 317 feet south of Carlton 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 ability of the existing infrastructure to accommodate increased residential density on parcels is a countywide concern and must be evaluated. The applicant is proposing an oversized house for the parcel, resulting in a floor area ratio that exceeds the maximum by 50%; a side setback deficient by 33.33%; a total side setback which is 50% less than the requirement; plus the need for several other variances. 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.

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2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 241 feet east of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Town of Ramapo.

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 narrative from Celentano Engineering PLLC, as well as the site plan, indicate that variances are required for total side setback, side setback for the concrete steps, and total side setback for the concrete steps. The June 26, 2017 Denial Letter from the Town of Ramapo Building, Planning & Zoning Department does not indicate the need for these variances. All application materials must be consistent. The Town must review the public hearing notice to ensure that all of the required variances are stated correctly for this application, and be re-issued if it was not.

5 The site plan shall include map notes that list all appropriate information, including the district details.

6 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

8 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

9 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo  
Rockland County Department of Health  
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.

**MOSHE BERGER (R-2610)**

Village of Kaser

*\*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.*

