

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

May 4, 2017

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

**Tax Data:** 49.19-5-30.2

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

**Map Date:** 2/7/2017

**Date Review Received:** 4/5/2017

**Item:** *MM BLAUVELT, LLC. (R-1805F)*

Side setback, total side setback and side yard variances to permit the continued maintenance and use of an illegally constructed metal deck on the south side of an existing, semi-attached three-family residence on .2026 acres in an R-15C zoning district.

West side of Blauvelt Road, approximately 215 feet south of Carlton Road

**Reason for Referral:**

Village of Kaser, NYS 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:

***\*Disapprove***

As noted above, the metal deck exists. It was constructed without a building permit or the required variances. While it is constructed of "non-combustible" materials, a fabric canopy covers the deck in street view photography available to this department. In addition, it is very likely that flammable items are stored on the deck. The street view photography clearly illustrates the close proximity of this structure to the adjacent lot. If Lot 49.19-5-31 is redeveloped to the maximum extent permitted under the R-15C standards, a residential structure will be within 10.3 feet of this second story deck. This is unacceptable from a fire safety perspective, and must not be permitted. Granting these variances will set a dangerous land use precedent whereby neighboring property owners construct non-compliant additions without permits or variances seeking approvals after the fact. This addition will likely also require variances from the NYS Fire and Building Codes. The potential for fires to spread will be great. The metal deck must be removed.

**MM BLAUVELT, LLC. (R-1805F)**

  
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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  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District

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

MM Blauvelt, LLC.

Rockland County Planning Board Members

*\*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.*