

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 24, 2017

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

Tax Data: 56.07-3-48

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

Map Date: 11/30/2015

Date Review Received: 3/8/2017

Item: *SHLOMO FREEDMANN/8 HILLTOP LANE (R-2593)*

Variances for lot width, side setback, total side setback, street frontage and floor area ratio to permit the construction, maintenance and use of an addition to and the conversion of a one-family dwelling to a two-family dwelling on .5357 acres in an R-15 zoning district.

East side of Hilltop Lane, opposite Briarcliff Drive

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:

****Recommend the following modifications***

1 While the subject site exceeds the minimum lot area requirement for two-family residences, it is deficient in meeting the minimum lot width and street frontage standards by 28 percent. The proposed addition results in a floor area ratio that exceeds the permitted maximum by 12.5 percent. The location of the addition on the site results in a second side yard deficiency. The footprint of the addition must be reduced so that the standards for floor area ratio and side yard are achieved.

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 on non-conforming parcels 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.

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- 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 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 5 Emergency access to the proposed addition could be restricted due to the overhead wires between the existing building and the northwest corner of the property. This must be evaluated and satisfactorily addressed.
- 6 The location of the refuse containers must be illustrated on the site plan. Access to the refuse containers must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.
- 7 It will difficult for vehicles parked in space #2 or #3 to exit from these spaces without a turnaround area. Several turning maneuvers will be required. A turnaround area must be provided so that vehicles do not have to back out into the roadway,
- 8 All proposed decks, stairways, entrances, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard and setback requirements or parking maneuverability on the site.
- 9 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 10 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 11 The site plan shall contain map notes that list all appropriate information, including the district details. It shall also display the subject application in relation to Briarcliff Drive.
- 12 The tax identification number is incorrect on all application materials, including the GML referral form and the denial letter. The correct information must be specified on the site plan and all application forms.



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 Sewer District #1
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.

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Village of Kaser

Shlomo Freedmann

**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.

