

**DEPARTMENT OF PLANNING**

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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:** 56.11-1-32

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

**Map Date:** 1/3/2017

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

**Item:** ***KLAHR IRREVOCABLE TRUST (R-2596)***

Variations for lot width, side setback, total side setback, side yard, floor area ratio, wall height and setback, courtyard variance and an accessory apartment outside of the main building footprint to allow the construction, maintenance and use of an addition to and the conversion of a single-family dwelling to a two-family dwelling with an accessory apartment. The .4833-acre site is in an R-15A zoning district. West side of Saddle River Road and east side of Emes Road, 100 feet north of Albert Drive

**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 a 50 percent increase over the maximum permitted floor area ratio. 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.
- 2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 210 feet northeast 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 proposal and provide any concerns related to the project to the Town of Ramapo.

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- 3 The accessory apartment must comply with Section 376-65.D. The proposal to locate this unit beyond the footprint of the principal building creates the need for additional variances. Accessory apartments are intended to be subordinate to the principal dwelling and must be contained within that structure.
- 4 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.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 As noted in the Town of Ramapo's Building, Planning and Zoning Department's February 24, 2017 memorandum, one-hour fire rated exterior walls with protected openings may be required due to the proximity of the proposed accessory apartment to the bi-level structure. This must be confirmed.
- 7 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.
- 8 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 9 All proposed building entrances, stairways, decks, window wells and refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability on the site.
- 10 The site plan shall contain map notes that list all appropriate information, including the district details.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
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.  
Village of Kaser

Klahr Irrevocable Trust

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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*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.*

