

**DEPARTMENT OF PLANNING**

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

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

March 23, 2016

Chestnut Ridge Zoning Board of Appeals  
277 Old Nyack Turnpike  
Chestnut Ridge, NY 10977

**Tax Data:** 57.17-2-11

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 1/14/2016

**Date Review Received:** 2/24/2016

**Item:** ***BANKER ESTATES (CR-231A)***

Variations to allow a three-lot subdivision of 1.35 acres in an R-15 zoning district with a detached, two-family dwelling proposed on each lot. Floor area ratio variations are required for all three lots; lot area variations are needed for Lots 2 and 3. Lot 3 also needs a street frontage variance.  
East side of Banker Street, south side of Old Nyack Turnpike

**Reason for Referral:**

Old Nyack Turnpike (CR 52), Town of Ramapo, NYS Thruway

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 lot area of the subject tract is 58,807 SF. In the R-15 zoning district, detached, single-family residences are permitted by right on 15,000 SF parcels; semi-attached, single family residences are allowed by special permit on 10,000 SF parcels. Detached, two-family residences are also a special permit use requiring a minimum lot area of 20,000 SF. At 58,807 SF, this tract can yield three conforming 15,000 SF parcels, five conforming 10,000 SF parcels or two conforming 20,000 SF lots. While the overall lot area is close to 60,000 SF, lot area variations are required for three 20,000 SF, four 15,000 SF or six 10,000 SF lots. A combination of conforming 10,000 SF, 15,000 and 20,000 SF lots is also possible.

The subject site is irregularly shaped. Close to 8,000 SF is contained in a narrow strip of land that is just over 50 feet in width. The current subdivision proposal is for one oversized parcel and two undersized parcels. Reducing the land area of Lot 1 and improving it with a detached single-family dwelling will allow for additional land area for Lots 2 and 3 bringing them closer to the required 20,000 SF. This will result in an improved lot configuration and must be considered. The size of the residential structures must be reduced. Currently, the required floor area ratio variations range from 32 percent to 68 percent.

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The surrounding neighborhood is characterized by detached and semi-attached single-family residences and detached two-family dwellings. The four lots on the opposite side of Banker Street are conforming in lot area. A two-family residence is located on the southwest corner of Old Nyack Turnpike and Banker Street. Single-family residences are located on the three lots to the south. There are 16 lots on Gilman Terrace improved with semi-attached, single-family residences. All but two of these parcels meet the minimum lot area requirement of 10,000 SF. The two deficient lots are over 9,100 SF. Permitting the lot area variances requested will set a land use precedent whereby neighboring property owners will seek the same relief. The community character of this area will change as a result. Given that there are several oversized parcels and undeveloped lots in this area, this is a precedent setting application.

We recommend that the three-lot subdivision be reconfigured so that Lots 2 and 3 more closely conform to the R-15 minimum lot area standards. The floor area of the three residential structures must be reduced so that the extent of the variances for floor area ratio is minimized or eliminated.

2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of December 22, 2015.

4 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along Old Nyack Turnpike, immediately north 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 Town of Ramapo must be given the opportunity to review the proposal and its impact on 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 Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 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 an increase ranging from 32 to 68 percent over the maximum allowable 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 Village must consider the cumulative and regional impacts of permitting such development.

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7 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 Lot 3 requires a variance for minimum street frontage as noted on the bulk table and GML referral form. This variance is not included in the undated narrative summary included with this submission. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not contain all required variances.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Department of State,  
    Division of Code Enforcement & Administration  
New York State Thruway Authority  
South Spring Valley Fire District  
Civil Tec Engineering & Surveying PC  
Town of Ramapo

Naftali Brecher

*\*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.*

