

**DEPARTMENT OF PLANNING**

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

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

August 22, 2017

New Square Zoning Board of Appeals  
37 Reagan Road  
New Square, NY 10977

**Tax Data:** 50.07-3-76

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

**Map Date:** 2/16/2017

**Date Review Received:** 7/19/2017

**Item:** *YOSSI GRINBLAT - SIX FAMILY DWELLING (NS-18B)*

A variance application for front yard, side yard, and parking to allow the construction of six-family dwelling on 0.35 acres in the R-2 zoning district on one lot in a proposed three-lot subdivision. Southern side of Eisenhower Avenue, approximately 100 feet west of North Garfield Road.

**Reason for Referral:**

The Town of Ramapo

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***

1 Applications to the Planning Board and Zoning Board of Appeals for subdivision and area variances dated February 8, 2016 were received by the Rockland County Planning Department on July 19, 2017. A handwritten note, initialed by the Building Inspector on the four-lot subdivision states, "Denied subdivision for four lots, approved for three lots." The bulk table provided for the subdivision plat is incomplete. Lacking in the bulk table is the lot area, lot width, building height, and required number of parking spaces. In addition, the required measurements listed are incorrect for several of the bulk requirements, and without the height variance, it is impossible to determine if the side yard and rear yard measurements as listed are correct.

Also received on July 19, 2017, was a variance application to construct a six-family dwelling on Lot #3 of the "approved" subdivision. The accompanying site plan for the proposed multi-family dwelling showed the property as having been subdivided into three lots, with the proposed dwelling located on a lot comprised of the rear half of the property. The bulk table provided on this site plan also lists incorrect bulk measurements for the multi-family dwelling.

Upon contacting the Village of New Square to obtain additional information regarding the subdivision and variance applications, this department was told that the Village Zoning Board of

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Appeals had denied the area variances required to allow the four-lot subdivision on May 23, 2017, and no other applications are currently under consideration. We also questioned whether the bulk table from Zoning Ordinance adopted on August 16, 1967 was still valid, or whether a newer version had been adopted by the Village Board. It was indicated that the bulk table we have in our office is the current version.

It is not clear why the Rockland County Department of Planning did not receive the request for a General Municipal Law (GML) review in a timely fashion for the original subdivision, the modified subdivision, or the variance applications. The materials received included applications which are dated January and February 2017, and the plans received are dated March 2017 and July 2010. It is also not clear as to why the subdivision application (for four lots) and the multi-family dwelling variance application were sent to this department after the denial decision was made for the four-lot subdivision and apparently approval already granted for the three-lot subdivision. As a reminder, under the New York State GML, all applications are required to be sent to the Rockland County Department of Planning if the parcel is located within our purview. This parcel is located within 500 feet of the Town of Ramapo border, so is therefore within our jurisdiction.

Given the number of discrepancies with these applications, and having maps submitted that do not coincide with the proposal, the subdivision application is disapproved. A GML review must be sent to the Rockland County Department of Planning for the three-lot subdivision before the variance application can be reviewed to ensure that the application presented for our review is current and accurate.

2 The application form and site plan note that the property is in the R-2 zoning district. However, the Public Hearing notice listed the property as being in the LDR zoning district. All materials must be consistent. If the Public Hearing notice provided the incorrect zoning district, the notice must be reissued and the hearing is invalid, if it has already been held.

3 The bulk requirements in the variance application and the bulk table shown on the site plan are not correct. According to the Village of New Square Table of Bulk Regulations, a multi-family residence in the R-2 zoning district requires a front yard of 20 feet, a side yard of 10 feet for the first story plus 5 feet for each additional story, a rear yard of 30 feet plus 10 feet for each story over two, and 1.5 parking spaces per dwelling unit. The proposed three-story, six-dwelling building would require a 20 foot front yard, a 20 foot side yard, a 40 foot rear yard, and 9 parking spaces. The application and bulk tables must be corrected, and if a public notice was issued without the correct information, it must be reissued.

4 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. Based on the Village Bulk Table, applicant is proposing reducing the side yard by 50%, the rear yard by 75%, and the required parking by 67%. The ability of the existing infrastructure to accommodate increased residential density on undersized 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.

5 The three parking spaces shown on the site plan are inadequate. There is not enough space to maneuver into or out of space 1, and spaces 2 and 3 are in tandem. The third space cannot be accessed when the second space is occupied. 9 parking spaces are required, but there is, in effect, only 1 space provided. Adequate parking must be provided on site for the proposed six-family dwelling.

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6 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary approximately 260 feet to the southeast of the property. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of New Square.

7 The refuse enclosure is not accessible for vehicle pick-up. It must be relocated.

8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

9 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square  
Rockland County Department of Health  
Rockland County Sewer District #1  
Moleston Fire District  
Rockland County Drainage Agency  
Rockland County Office of Fire and Emergency Services  
  
Anthony R. Celentano P.L.S.  
Town of Ramapo Planning Board

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.*

