

**DEPARTMENT OF PLANNING**

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

**Arlene Miller**  
*Deputy Commissioner*

March 17, 2016

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

**Tax Data:** 50.15-4-61

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

**Map Date:** 1/26/2016

**Date Review Received:** 2/18/2016

**Item:** 9 **NORTHBROOK ROAD (R-2548)**

Variances to permit a three-lot subdivision of 1.45 acres is proposed with two single-family residences on each parcel. A use variance is required to allow two principal buildings on a lot. Lot 1 will also require variances for lot area, lot width, front setback, front yard, side setback, street frontage and floor area ratio. Variances for lot area, side setback, total side setback, street frontage and floor area ratio are required for Lot 2. Lot 3 needs front setback, front yard, side setback, total side setback and street frontage variances. Lots 2 and 3 also require 280A variances as they have no street frontage.

West side of Northbrook Road, approximately 90 feet south of Sherman Drive

**Reason for Referral:**

Pascack Brook

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***

Residential uses permitted by right in the R-15 zoning district include detached, one-family residences on 15,000 SF, detached, two-family residences on 20,000 SF and semi-attached, single-family residences on 10,000 SF. More than one principal use is not permitted on a lot. Therefore, use variances are required for each of the second single-family residences. This property can be developed in accordance with the R-15 use requirements. A superior layout is achievable with as-of-right uses.

This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship in order for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

**9 NORTHBROOK ROAD (R-2548)**

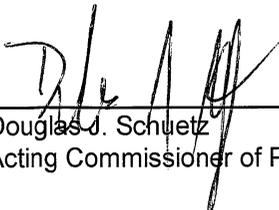
- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

The applicant has not demonstrated that an unnecessary hardship exists. The use variance shall not be granted.

The following comments address our concerns related to the bulk variances.

- 1 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 24, 2016.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of February 17, 2016.
- 4 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 The Town of Ramapo Building, Planning and Zoning Department's denial letter of February 8, 2016 contains comments from the Fire Inspector which include: 1) sprinklers must comply with NFPA 13R; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) if the building exceeds 30 feet in height above the lowest level of fire department access, an aerial apparatus road is required to comply with NYS Fire Code D105; 4) decks, ramps and stairways are not permitted within ten feet of a property line as per NYS Fire Code 1024.3; 5) the entire access road must be signed in accordance with NYS Fire Code D103.6 and D103.6.1; and 6) fire department connections are to be mounted on the street side of the building.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 7 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 lots 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.
- 8 The layout plan must include map notes and a vicinity map.
- 9 We request the opportunity to review the subdivision when it is submitted to the Town of Ramapo Planning Board.

**9 NORTHBROOK ROAD (R-2548)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Department of State,  
Division of Code Enforcement & Administration  
Civil Tec Engineering & Surveying

Roland & Margaret Dorcely

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.*

