



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 24, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.16-2-15

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

Map Date: 3/11/2014

Date Review Received: 3/27/2014

Item: 34 OLD NYACK TURNPIKE LLC (R-2450)

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, maximum development coverage, floor area ratio, and deck rear setback to allow the construction, maintenance and use of a two-family residence with one accessory apartment on .2086 gross acres (.2056 net acres) in an R-15A zoning district.

North side of Old Nyack Turnpike, opposite Dykstra Way West and 100 feet east of Hammond Street

Reason for Referral:

Old Nyack Turnpike (CR 52), 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:

****Disapprove***

1. Two-family residences are uses permitted by right in the R-15A zoning district subject to the bulk requirements for Use Group x.2. Accessory apartments are permitted as an accessory use. The proposal before us requires variances for 11 of the 14 bulk standards. The lot area is less than 45 percent of the minimum required for two-family residences; it does not meet the single-family residence standard. A variance of 45 percent is needed for lot width and street frontage. The development coverage and floor area ratio exceed the permitted maximums by 36 and 87.5 percent respectively. Yard and setback variances are required ranging from 48.5 percent to 80 percent.

The proposed residential building also does not comply with the New York State Uniform Fire Prevention because exit stairs and ramps are within ten feet of the property line. An aerial apparatus access road will be required if the building is over 30 feet.

The two-family residence, as proposed, will result in an overutilization of the site as evidenced by the number and magnitude of the variances requested. The proposal must be scaled back

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significantly. A smaller residential building not exceeding 3,600 SF will more closely conform to the R-15A bulk standards. We also recommend that the accessory apartment be eliminated. No more than two residential units shall be permitted on this undersized parcel.

2 The Town must consider the cumulative impact of permitting FAR variances of this magnitude, as well as the land use precedent that will be set. The ability of the existing infrastructure to accommodate residences of this size must also be evaluated. Allowing large variances for FAR will result in overdevelopment. Local roads will become more congested. The sewer system, stormwater management systems and public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development. Variances of this extent compromise the integrity of the zoning ordinance and must not be granted.

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

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



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
New York State Thruway Authority
New York State Department of Health
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
New York State Department of State,
Division of Code Enforcement and Administration
Israel Prushinowski

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.