



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

May 27, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.14-3-39

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

Map Date: 3/10/2014

Date Review Received: 4/28/2014

Item: *NAFTOLY BRECHER (R-2452)*

Variations for lot area, front setback (Robert Road and Suffern Place), front yard, side setback, rear setback, deck rear setback, maximum development coverage and floor area ratio to allow the construction, maintenance and use of a two-family residence on .2884 acres in an R-15 zoning district. North side of Suffern Place, west side of Robert Road

Reason for Referral:

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 subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence, nor does it comply with the lot area requirement for two-family residences of 20,000 SF. A lot area variance of 37 percent is needed. The proposed residential building will require a floor area ratio variance of 37.5 percent. The maximum permitted development coverage is exceeded by nine percent. Additional yard and setback variances are necessary to accommodate an oversized residential building on an undersized parcel.

The on-site parking requirement of two spaces per unit is achieved but turnaround areas are not provided. It will be difficult for vehicles to exit parking spaces 2 and 3 without backing into Suffern Place and Robert Road. This department has reviewed several similar applications for properties in this neighborhood. A number of these applications have also required parking variances. It is likely that many residents and visitors will park on local streets thereby creating visibility issues for drivers reversing out of their driveways.

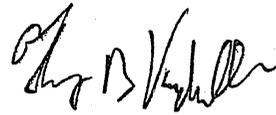
The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief.

NAFTOLY BRECHER (R-2452)

A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the surrounding streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards.

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 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.

2 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
New York State Thruway Authority
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying, P.C.
New York State Department of State,
Division of Code Enforcement and Administration
Naftoly 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.