



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

September 3, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.19-5-54

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

Map Date: 7/21/2014

Date Review Received: 8/6/2014

Item: *DUV & ESTHER EISENBERGER (R-2469)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, street frontage and floor area ratio to allow the construction, maintenance and use of a two-family residence with one accessory apartment on .2879 acres in an R-15A zoning district.

West side of Manor Drive, 300 feet west of Blauvelt Road and 100 feet south of Manor Drive

Reason for Referral:

Village of Kaser

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, 1, the Commissioner of Planning, hereby:

****Disapprove***

A two-family residence is permitted as of right in the R-15A zoning district provided that the applicable bulk standards are achieved. An accessory apartment is permitted as an accessory use subject to Section 376-65. 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. A lot area variance of 37 percent is needed. Additional non-conformities include lot width and street frontage. The proposed residential building will require a floor area ratio variance of 62.5 percent. Additional yard and setback variances are necessary to accommodate an oversized residential building on an undersized parcel.

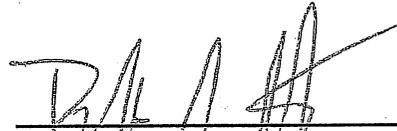
In addition, four of the proposed five parking spaces do not meet the minimum standard for parking stall width so an additional variance is required. It is not possible to distinguish between the handicapped parking space and the access aisle so it is unclear if it complies with the requisite standards. A turnaround area is not provided so it will be difficult for vehicles to safely exit the westernmost parking spaces. The proposed two-family residence may also require variances from New York State Uniform Fire Prevention and Building Code if the exit stairs or ramps are within ten feet of the property line. An aerial apparatus road is required if the building is more than 30 feet

DUV & ESTHER EISENBERGER (R-2469)

above the lowest level of fire apparatus.

The Zoning Board of Appeals must consider the cumulative impact of permitting variances of this magnitude as well as the land use precedent that will be set. 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. A doubling or tripling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. The ability of the existing infrastructure to accommodate oversized residences on undersized lots must be evaluated. Allowing large variances for FAR, and other bulk standards, will result in overdevelopment. The sewer system, stormwater management systems and public water supply will be overburdened. Local roads will become more congested. If the required on-site parking cannot be safely accommodated on individual lots, residents will park along the curb. 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-15A zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards. Accessory apartments must also comply with specific criteria. It is unclear if the proposed accessory apartment conforms to Section 376-65. The number and magnitude of the variances requested are a clear indication that this proposal for three residential units on an undersized parcel will result in an overutilization of this site. A smaller residential building not exceeding 5,015 SF will more closely conform to the R-15A bulk standards. We also recommend that the accessory apartment be eliminated. Variances of the magnitude proposed compromise the integrity of the zoning ordinance and must not be granted.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying, P.C.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Duv & Esther Eisenberger

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.