



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

July 28, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.10-3-29 56.10-3-28

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

Map Date: 3/24/2014

Date Review Received: 6/26/2014

Item: **KHAL BAIS SHMIEL (R-2461)**

Variations to allow a four-lot subdivision of .9543 acres in the R-15A zoning district, and the construction, maintenance and use of a two-family residence with one accessory apartment on each parcel. Lot area, lot width, side setback, rear setback, street frontage, maximum development coverage and floor area ratio variations are required for all four lots. Lot 1 will also require variations for front setback and front yard. A total side setback variance is necessary for Lot 2. Lots 3 and 5 need variations for front setback, front yard and total side setback.

North side of Grove Street, 200 feet east of Remsen Avenue

Reason for Referral:

NYS Route 59

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***

The R-15A zoning district is a medium density residential district that allows detached single-family residences, semi-attached single-family residences and detached two-family residences as of right. Accessory apartments are also permitted. The allowed residential density ranges from 2.9 detached single-family residences per acre to 8.71 detached two-family residences with an accessory apartment per acre. The applicant is proposing a residential density of 12.57 units per acre or almost 31 percent higher than the maximum permitted. This proposal will result in a gross overutilization of the site as evidenced by the number and magnitude of the variations required to implement it. A 48 percent lot area variance is required for each of the four lots. None of the lots meet the lot width or street frontage requirement. Two lots do not front on a public street. The floor area ratio of the proposed residences is 87.5 percent greater than the maximum permitted. As a result, numerous yard and setback standards are not achieved. Each lot requires a 27 percent increase over the permitted maximum development coverage. A development proposal consisting of a two-family residence with one accessory apartment on each of the two existing

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parcels, with no further subdivision of these lots, will reduce or eliminate the need for most of the variances sought.

The odd-lot configuration results in access and parking issues particularly for Lots 2 and 3. A vehicle parked in space #5 on Lot 2 will have to reverse into the center of the cul-de-sac bulb and in close proximity to the driveway access for Lot 3. Vehicles parked in spaces 1, 2, 3 and 4 will also have to reverse into the cul-de-sac bulb. The potential for traffic conflicts is great. Vehicles parked in spaces 4 and 5 on Lot 3 will have to reverse more than 35 feet before they can turn to exit the site because no turnaround area is provided. If vehicles are parked in spaces 1, 2 and 3, their turning movements will be further constrained. The 24 feet provided between the parking spaces of Lots 1 and 4 also serves as the driveway access for all 12 units. Traffic conflicts at this point are also highly likely.

While the access and parking arrangements are potentially dangerous on a day to day basis, in the event of an emergency, they are deadly. Contrary to what is stated in the project narrative, navigability on this site is not adequate, particularly for fire trucks and emergency service vehicles. Fire safety concerns are raised in the Town of Ramapo Building, Planning and Zoning Department's June 17, 2014 denial letter. The Chief Fire Inspector's comments are a clear indication that this proposal will result in unsafe conditions. He states that the fire department does not have proper access to Lot 3. He recommends that the Monsey Fire Department review this proposal to determine if their apparatus can be accommodated.

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. As noted above, the number and extent of the variances required is excessive. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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. This proposal must be scaled back to more closely conform to the R-15A bulk standards. Four lots and 12 residential units shall not be permitted.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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.*

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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.

