



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 29, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.11-2-61

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

Map Date: 10/3/2014

Date Review Received: 3/27/2014

Item: *CHAYA SCHMIDT (R-2446)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, deck rear setback, street frontage, maximum development coverage, floor area ratio, parking and parking space size to allow the construction, maintenance and use of a two-family residence on .1492 acres in an R-15A zoning district.

South side of Grove Street, 250 feet west of Route 306

Reason for Referral:

NYS Route 306

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***

On December 11, 2007, this department issued a General Municipal Law (GML) review for the applicant's adjacent property to the west recommending that the variances for the proposed addition be denied. Given that the subject site was significantly undersized, we believed that the addition as proposed would result in an overutilization of the site and set an undesirable land use precedent. We recommended that the addition be scaled back so that the standards for floor area ratio and maximum development coverage were achieved. Our December 11, 2007 GML review was overridden and the variances granted. The applicant now seeks to construct a larger structure on a similarly undersized parcel.

A two-family residence is permitted as of right in the R-15A zoning district provided that the applicable bulk standards are achieved. At 6,500 SF, the subject site is only 32.5 percent of the required 20,000 SF minimum lot area. It does meet the lot width or street frontage standards requiring a variance of 60 percent for each. The applicant is seeking a 45.5 percent increase over the maximum allowable development coverage, and to double the maximum permitted floor area ratio. Numerous yard and setback variances are needed, as well as a parking variance. The three

CHAYA SCHMIDT (R-2446)

proposed parking spaces do not meet the minimum standard for parking stall width. The proposed two-family residence will also require a variance from New York State Uniform Fire Prevention and Building Code since the exit stairs are within ten feet of the property line. The number and magnitude of the variances requested are a clear indication that this proposal will result in an overutilization of this site.

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 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. Local roads will become more congested. The sewer system, stormwater management systems and public water supply will be overburdened. Given the proximity to NYS Route 306, all required parking must be provided on-site. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted. The proposed two-family residence must be scaled back to more closely conform to the R-15A bulk standards. It must also 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 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
Chaya Schmidt

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.