



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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September 11, 2015

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

Tax Data: 56.11-2-73.2

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

Map Date: 6/9/2015

Date Review Received: 8/14/2015

Item: 5 LANE STREET HOLDINGS, INC./LOT 73.2 (R-2122F)

Variances for rear setback, maximum height, maximum development coverage, deck rear setback and parking to allow the construction, maintenance and use of a semi-attached, three-family residence with three accessory apartments on .297 acres in an R-15C zoning district. Variances will also be required for the second and third accessory apartment.

South side of Lane Street, 276 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:

****Recommend the following modifications***

1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

2 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject site is 62.5 feet. Therefore, one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

5 LANE STREET HOLDINGS, INC./LOT 73.2 (R-2122F)

3 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, 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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's denial letter of June 19, 2015 also includes comments from the Fire Inspector. An aerial apparatus road will be required if the building exceeds 30 feet in height. The aerial apparatus road is required within 300 feet of all portions of the building as per Section 503 of the NYS Fire Code. Exits, stairs and walkways are not permitted within ten feet of the property line as per NYS Fire Code 1024.3. The closest fire hydrant must be indicated on the site plan; the furthest portion of the building must be within 600 feet of the hydrant or another hydrant will be required. Buildings within ten feet of the property line require a one-hour rated exterior wall. Sprinklers must comply with NFPA 13R; sprinkler fire flows must comply with NYS Fire Code 508.3.

5 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

6 The proposed parking spaces must be clearly labeled and numbered. It appears that five parking spaces are provided on the east side of the site. It is unclear if a sixth parking space is proposed on the west side of the parcel. This must be clarified.

7 It will be difficult for a vehicle parked in the handicapped space to safely exit the space. A turnaround area must be provided.

8 The Town of Ramapo Building, Planning and Zoning Department's denial letter of June 19, 2015 indicates that variances are required for maximum height, deck rear setback and parking. These variances are not indicated on the bulk table. All required variances must be clarified. If the public hearing notice did not include all of the variances required for this proposal, it will have to be reissued.

9 The parking requirement indicated on the bulk table is incorrect. Six parking spaces are required for this proposal. The bulk table must be corrected. The handwritten corrections are not sufficient.

10 The bulk table indicates that variances were granted for minimum rear setback and maximum development coverage. The ZBA resolution number and date for granting these variances must also be noted.

11 It appears that variances may be required for a party wall less than 50 percent attached and court yard width. This must be clarified. If these variances are required, then the public hearing notice will have to be reissued.

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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
Monsey Fire District
Civil Tec Engineering & Surveying PC
New York State Department of State,
Division of Code Enforcement and Administration
5 Lane Street Holdings II, Inc.

**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.

