



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

April 1, 2015

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 49.10-3-39      49.10-3-34      49.10-3-33

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

**Map Date:** 1/29/2015

**Date Review Received:** 3/9/2015

**Item:** 6-8 CEDAR SUBDIVISION (R-2383E)

Variances are required for a five-lot subdivision of 1.12 acres in an R-15C zoning district; a three-family residence with three accessory apartments is proposed on each lot. Lot 1 requires variances for lot area, lot width, front setback, front yard, side setback and rear setback. Lots 2, 3, 4 and 5 require variances for lot area, front setback, front yard, maximum development coverage and floor area ratio. Rear setback and street frontage variances are also needed for Lot 4. In addition, Lot 5 needs rear setback and rear yard variances.

North side of Cedar Lane, west side of Crown Road

**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, I, the Commissioner of Planning, hereby:

***\*Disapprove***

The minimum lot area requirement in the R-15C zoning district ranges from 10,000 SF for semi-attached one-, two- and three-family residences to 15,000 SF for detached one-, two- and three-family residences. The subject 1.12-acre assemblage can yield four conforming 10,000 SF lots or three conforming 15,000 SF lots. The applicant is proposing five lots, all of which are undersized. Four semi-attached, three-family residences with three accessory apartments, are proposed on lots ranging from 8,002 to 9,917 SF. A detached three-family residence with three accessory apartments is proposed on a 12,630 SF lot requiring a minimum lot area variance of 16 percent. Development coverage variances ranging from 5.5 to 42 percent are required for four of the five lots. The floor area ratio for four of the five residential buildings exceeds the permitted maximum of .90. One lot will not have frontage on a public street.

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

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existing infrastructure to accommodate increased residential density on undersized lots 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.

The Town of Ramapo Building, Planning and Zoning Department's February 26, 2015 memorandum notes that maximum height variances are required for Lots 1, 2, 4 and 5. These are not included on the bulk table. The memo does not include a variance for maximum development coverage for Lot 4. This variance is noted on the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all of the variances required for this proposal.

The proposed subdivision and subsequent residential development will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The number of lots must be reduced, as well as the number of residential units. A proposal that more closely conforms to the R-15C bulk requirements must be presented for review.

  
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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  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Leonard Jackson Associates  
Village of Kaser  
New York State Department of State,  
Division of Code Enforcement and Administration  
6-8 Cedar Holdings LLC

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.*