COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 23, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-2-74

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 6/29/2015 **Date Review Received:** 8/25/2015

Item: ***7 LANE STREET (R-2521)***

Three-lot subdivision of .64 acres in the R-15C zoning district. A detached three-family residence with three accessory apartments is proposed on Lot 1; a semi-attached three-family residence with an accessory apartment is proposed on Lots 2 and 3.
South side of Lane Street, 150 feet east of North Saddle River Road

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**

Residential uses permitted by right in the R-15C zoning district include detached, three-family residences, as well as semi-attached, three-family residences. Accessory apartments are also allowed. A minimum lot area of 15,000 SF is required for detached, three-family residences; a 10,000 SF minimum lot area is required for semi-attached, three-family residences.

At 27,896 SF, the subject site can yield a conforming 15,000 SF parcel, or two conforming 10,000 SF parcels. The maximum number of residential units permitted by right on this site is ten or twelve depending on the lot configuration. Two semi-attached, three-family residences can be constructed on a minimum of 10,000 SF with one or three accessory apartments in each. A minimum lot width of 75 feet is required for more than one accessory apartment. The applicant is proposing a three-lot subdivision with six residential units on Lot 1 and four units each on Lots 2 and 3. These 14 residential units represent a 17 to 40 percent increase over the permitted maximum. Minimum lot area variances ranging from 15 to 23 percent are required for each parcel. Lot 2 is land locked with no street frontage. The lot width and street frontage are deficient for Lot 3. This parcel is further constrained by a 120-foot long driveway which reduces the usable lot area by 2,880 square feet. Lots 1 and 3 require variances for maximum development

converge. Yard and setback variances are necessary for the residential structures proposed on all three lots.

While a total of fifteen parking spaces are provided on the three lots, only two of the required four on-site parking spaces are located on Lot 3. A third parking space straddles the property line between Lots 2 and 3. Five additional parking spaces are provided on Lot 2. The remaining seven spaces are located on Lot 1. A parking easement must be provided for Lot 3. Lot 2 will require an access easement over Lot 3. Only one garbage enclosure is proposed to serve the 14 residential units.

The proposed subdivision and 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 proposal must be scaled back to more closely comply with the R-15C bulk standards. The subdivision proposal shall be limited to two lots. The total number of residential units must be restricted to 10 or 12 depending on the lot width of each parcel. All required on-site parking shall be provided on each individual parcel.

The following comments address additional concerns about the proposed subdivision.

1 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of September 1, 2015.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of September 8, 2015.

5 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

6 There shall be no net increase in the peak rate of discharge from the site at all design points.

7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

8 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

9 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 LANE STREET (R-2521)

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

11 The tax parcel identification number is incorrect on the GML referral form and in the project narrative. These documents must be revised to reflect the correct tax lot information. All identification materials must be consistent.

12 The bulk table and the project narrative indicate that Lot 1 will be 11,524 SF; the lot area noted on the subdivision plan is 11,358 SF. The lot area for Lot 1 must be clarified. All application materials must be consistent.

13 The bulk table indicates that six parking spaces are proposed on Lot 1 and that Lots 2 and 3 will both contain four parking spaces. The subdivision plan shows seven parking spaces on Lot 1, five parking spaces on Lot 2 and two parking spaces on Lot 3. An additional parking space straddles the property line between Lots 2 and 3. The bulk table must be corrected to reflect what is actually proposed.

14 In addition to including incorrect tax lot information, the August 25, 2015 GML referral form specifies a June 3, 2015 CDRC meeting date and indicates that the referral agencies are the Rockland County Highway Department and the Villages of New Hempstead and Spring Valley. The parcel location is not indicated. This site is within 500 feet of NYS Route 306. No County roads or adjacent municipalities are within 500 feet of the site. This department relies on the Town of Ramapo to submit accurate information on the GML referral form. We request that future GML referrals and application materials be checked for accuracy and completeness prior to submission to this department. This will allow for a timely review of land use applications referred by the Town.

15 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
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
Juda and Yitty Klein

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.*

7 LANE STREET (R-2521)

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.