



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

May 18, 2015

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

Tax Data: 56.10-3-33

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

Map Date: 3/3/2015

Date Review Received: 4/21/2015

Item: *BENJAMIN BUXBAUM (R-2501)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, deck rear setback, street frontage, development coverage and floor area ratio to permit the construction, maintenance and use of a two-family residence with one accessory apartment on .303 acres in an R-15A zoning district.

South side of Grove Street, 100 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:

****Recommend the following modifications***

1 A minimum lot area variance of almost 34 percent is required for the proposed two-family residence. While this is a use permitted by right in the R-15A zoning district, it is subject to stricter bulk standards. The subject site does not meet the minimum lot area requirement for a single-family residence. The proposed residential structure has a large building footprint resulting in the need for yard and setback variances, as well as a 62.5 percent variance for floor area ratio. The permitted maximum development coverage is exceeded by more than 18 percent. The building footprint of the proposed two-family residence must be reduced so that the structure more closely complies with the R-15A bulk standards.

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

BENJAMIN BUXBAUM (R-2501)

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 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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a variance will be required from the State because the decks are within ten feet of the property line.

5 The March 30, 2015 denial letter issued by the Town of Ramapo Building, Planning and Zoning Department indicates that a variance is required for deck rear setback. This variance is not included in the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not contain all of the required variances.

6 The aforementioned denial letter includes comments from the Chief Fire Inspector. He notes that a fire hydrant must be provided within 600 feet of the property. The project engineer must show that there is sufficient water to meet fire flows as required by Section 508 of the Fire Code of New York State.

7 Since an exit stairway is not illustrated on the plot plan, it is not possible to determine if there is sufficient turning room for a vehicle parked in space # 3. A turnaround area must be provided.

8 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.



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
Robert R. Rahnefeld
New York State Department of State,
Division of Code Enforcement and Administration
Benjamin Buxbaum

**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.