



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

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

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

June 22, 2015

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

Tax Data: 56.10-3-29 56.10-3-28

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

Map Date: 3/24/2014

Date Review Received: 5/21/2015

Item: *GROVE ESTATES, LLC. (R-2461A)*

Variations to allow a three-lot subdivision of .9543 acres in the R-15A zoning district, and the construction, maintenance and use of a two-family residence with one accessory apartment on each parcel. Lot area, front setback, front yard, side setback, total side setback, street frontage and floor area ratio variations are required for all three lots. In addition, Lots 1 and 2 will require a variance for lot width, and Lot 3 will require a rear setback variance.

North side of Grove Street, 200 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:

****Disapprove***

In July of 2014, this department recommended that the four-lot subdivision proposed at that time be disapproved. Given the number and extent of the variations required, the concerns about emergency access, and the access and maneuverability issues for future residents, we believed that four lots and 12 residential units would result in a gross overutilization of the site. Our recommendation was that the two existing lots not be further subdivided, and a two-family residence with one accessory apartment be constructed on each lot.

It seems that the Town of Ramapo's Zoning Board of Appeals (ZBA) also considered the June 2014 proposal to be an overutilization of the site given that they too disapproved the application. The April 28, 2015 project narrative states that the board requested that the size of the application be drastically reduced and one lot eliminated. In November of 2014, the ZBA granted the variations required for a three-lot subdivision with a two-family residence and one accessory apartment on each. Eight conditions were imposed. The November 2014 ZBA application was not referred to this department for review. The applicant is now seeking to have all eight conditions

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removed.

We believe the conditions imposed by the ZBA are reasonable and must not be waived. The R-15A zoning district is a medium density residential district that allows detached single-family residences, semi-attached single-family residences and detached two-family residences as of right. Accessory apartments are also permitted. The allowed residential density ranges from 2.9 units per acre for detached single-family residences to 8.71 units per acre for detached two-family residences with an accessory apartment. The applicant is now proposing a residential density of 9.43 units per acre or eight percent higher than the maximum permitted. This proposal will result in an overutilization of the site as evidenced by the number and magnitude of the variances required for implementation. An almost 31 percent lot area variance is required for each of the three lots. None of the lots meet the street frontage requirement. Lots 1 and 2 do not meet the lot width requirement. Lot 3 does not front on a public street or meet the rear setback requirement. The floor area ratio for all of the proposed residences is 62.5 percent greater than the maximum permitted. As a result, numerous yard and setback standards are not achieved. The conditioned approval granted by the ZBA will bring this proposal in closer compliance with the R-15A bulk requirements. Smaller residential buildings will reduce or eliminate the yard and setback variances, and will allow for more on-site amenities to be enjoyed by future residents, including a play area which is referenced in the project narrative but not shown on the site plan.

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. As noted above, the number and extent of the variances required is excessive. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted. 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. This proposal must be scaled back to more closely conform to the R-15A bulk standards.

The revised site plan proposal is 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 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
Grove Estates 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.*

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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.

