

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 13, 2016

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

**Tax Data:** 56.11-2-74

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

**Map Date:** 3/17/2016

**Date Review Received:** 6/6/2016

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

Variances to permit a three-lot subdivision of .64 acres in the R-15C zoning district, and the construction, maintenance and use of a detached three-family residence on Lot 1 and semi-attached three-family residences with one accessory apartment 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***

In our September 23, 2015 review of the proposed three-lot subdivision of this site, we provided the following land use analysis. The 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, two or three accessory apartments in each. A minimum lot width of 75 feet is required for more than one accessory apartment. The applicant is now proposing a three-lot subdivision with three residential units on Lot 1 and four units each on Lots 2 and 3. The three accessory apartments originally proposed in the three-family dwelling on Lot 1 have been eliminated. Minimum lot area variances ranging from 13 to 23 percent are required for each parcel. Lot 2 is land locked with no street frontage. The lot width and street

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

A total of thirteen parking spaces are provided on the three lots. Since the on-site parking requirement is one space per unit, it is unclear why five spaces are shown on Lot 1. The required four on-site parking spaces are provided on Lots 2 and 3. Access and parking easements are required under the current lot configuration, which further reduces the useable lot area, particularly for Lot 3. Access easements will also be required for the play areas if they are to be used by all residents. While garbage enclosures are now shown on each parcel, it will be difficult for sanitation workers to access the receptacles on Lot 2 if a vehicle is parked in the southwestern space.

Although, fewer residential units are now proposed on Lot 1, there has been no corresponding reduction in the building footprint or floor area of the residential structure. Less units must translate into less impact. The extent of the variance for development coverage must decrease. The yard and setback requirements must be achieved. As noted above, Lot 2 is landlocked. It will require easements for access over both Lots 1 and 3. The parking turnaround area serving Lot 2 is partially located on Lot 1. Vehicles parked on Lot 3 will also encroach onto Lot 1 when exiting the parking spaces.

We still believe the proposed subdivision and residential development will result in a gross overutilization of the site. This is clearly 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; accessory units are not feasible. All required on-site parking shall be provided on each individual parcel.

The following comments address our additional concerns about the variances required for this proposal.

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 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 proposed lots do not meet the minimum lot area requirements; Lot 3 has additional non-conformities in that it does not meet the lot width or street frontage requirements. Lot 2 is landlocked with no street frontage. As a result of these deficiencies, the proposed residential structures require several yard and setback variances. The maximum permitted development coverage is exceeded on Lots 1 and 3. 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. As indicated previously, the number of lots must be limited to two and no accessory units shall be permitted.
- 3 An updated review of the March 17, 2016 ZBA Plan must be completed by the Rockland County Department of Health, and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of February 23, 2016.

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4 An updated review of the March 17, 2016 ZBA Plan must be completed by the Rockland County Sewer District No. 1, and all required permits obtained. The applicant must comply with the conditions of the Sewer District No. 1's letter of February 18, 2016.

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

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

7 The Town of Ramapo Building, Planning & Zoning Department's April 26, 2016 denial letter contains comments from the Fire Inspector which must be addressed. These include: 1) sprinklers must comply with NFPA 13R; 2) fire flows must comply with NYS Fire Code 508.3; 3) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 4) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) the location of the nearest fire hydrant must be shown; 6) an additional fire hydrant is required as there is no hydrant within 600 feet of the furthest point of the proposed subdivision as per NYS Fire Code 508.5.1 exception 2.; 7) the fire truck turnaround must conform to NYS Fire Code Table D103.4; 8) 4) buildings in excess of 30 feet above the lowest level of fire department access require the installation of a Class 1 standpipe if they are equipped throughout with an automatic sprinkler system as per NYS Fire Code 905.3.1; and 9) garbage enclosures are not permitted in an approved fire zones.

8 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 11,359 SF. The lot area for Lot 1 must be clarified. All application materials must be consistent.

9 All proposed entrances, stairways, decks and sidewalks must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. In addition, safe pedestrian access must be provided on the site particularly to the play area to the west of the parking spaces on Lots 2 and 3.

10 The April 26, 2016 denial letter indicates that a variance is required for fence setback on Lots 1 and 2. It also includes a 280A variance for lot 2 since it does not front on a public street. These variances are not noted on the bulk table. All application materials shall be consistent. The public hearing notice must be reissued if it did not contain all required variances.

11 Map Note #7 shall be corrected to reference Section 239L and M of the General Municipal Law as this is an application for variances not a subdivision plat.

12 The project narrative incorrectly indicates that a street frontage variance is required for Lot, misstates the street frontage variance for Lot 2 and does not note that a street frontage variance is required for Lot 3. It further states that the development coverage variance required for Lot 3 is instead required for Lot 2. The variances required for each parcel must be correctly identified in the project narrative.

13 The incorrect parking requirement is stated on the bulk table for Lots 2 and 3. Four parking spaces are required. The correct standard must be indicated.

14 The ZBA Plan does not specify that one accessory apartment is proposed in the semi-attached, three-family dwellings on Lots 2 and 3.

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15 The vicinity map must include a north arrow and scale.

  
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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 Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State,  
Division of Code Enforcement & Administration  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Civil Tec Engineering & Surveying

Juda & 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.*

*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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*