



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 8, 2016

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

Tax Data: 56.15-3-39

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

Map Date: 3/30/2016

Date Review Received: 7/7/2016

Item: 7 SUMMIT REALTY, LLC. (R-2570)

Variances to permit a two-family dwelling with one accessory apartment located on .2478 acres in the R-15A zoning district. Required variances include: lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, floor area ratio, and rear deck setback. West side of Summit Avenue, just south of Fred Eller Drive

Reason for Referral:

Monsey Gien County Park, NYS Thruway, Village of Airmont

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**

1 The subject site is 46 percent deficient in meeting the minimum lot area standard of 20,000 SF required for a two-family dwelling, and the lot width for Summit Avenue is also non-conforming by 28 percent. The proposed building will require a floor area ratio variance of almost 83 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel, ranging in deficiency from 14 percent to 40 percent. The surrounding neighborhood is characterized by similar-smaller parcels. Granting these bulk variances will set a precedent that can result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15A zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards. Given the extent and number of required variances needed to implement the proposed two-family dwelling, with one accessory apartment, and the precedent that can be set, we recommend that the proposal be denied, and that only a single-family dwelling be permitted.

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2 As noted above, 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 applicant is seeking a substantial variance for maximum floor area ratio. 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.

The following comments address our additional concerns about this proposal.

3 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

4 The Town of Ramapo Building, Planning & Zoning Department's June 1, 2016 denial letter contains comments from the Fire Inspector which must be addressed. These include: 1)) sprinklers must comply with NFPA 13R; 2) fire department connections must be mounted on the street side of the building; 3) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 4) sufficient parking so that fire department access is not blocked must be provided; 5) the location of the closest hydrant must be shown; 6) an exit access to the public way must be provided as per 1024.6 NYS Fire Code; and 7) if any portion of the building exceeds 30 feet in height above the lowest level of fire department access, an aerial apparatus road must be provided for compliance with appendix with NYS Fire Code D105.

5 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

6 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

7 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 445 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

8 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

9 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

10 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

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11 It will difficult for vehicles parked in space 5 to maneuver out of the spaces. A turnaround area must be provided. The proximity of the staircases is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.

12 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

13 The site plan shall include map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Supervisor Christopher St. Lawrence, Ramapo
- Rockland County Division of Environmental Resources
- New York State Thruway Authority
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- Rockland County Office of Fire and Emergency Services
- New York State Department of State,
Division of Code Enforcement & Administration
- Monsey Fire District
- Anthony R. Celentano P.L.S.
Village of Airmont

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.