Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 5, 2016

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

Tax Data: 56.14-3-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/16/2016 **Date Review Received:** 6/3/2016

Item: ***DAVID BERGER (R-2563)***

Variances for lot area, lot width, side setback, total side setback, street frontage and floor area ratio to permit the construction, maintenance and use of a two-family dwelling on .2582 acres in an R-15 zoning district.

East side of South Remsen Avenue, approximately 165 feet south of Route 59

Reason for Referral:

NYS Route 59, NYS Thruway

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**

The subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence. Additional non-conformities include lot width and street frontage. The applicant is proposing to construct a two-family residence with only 56 percent of the required lot area available. The proposed building will require a floor area ratio variance of almost 88 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may 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-15 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied.

The following comments address our additional concerns about this proposal.

DAVID BERGER (R-2563)

1 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 substantial variances for minimum lot area and 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.

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

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

4 The Town of Ramapo Building, Planning & Zoning Department's April 4, 2016 denial letter contains comments from the Fire Inspector which must be addressed. These include: 1) sprinklers must comply with NFPA 13D; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) if the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS Fire Code D105; 4) decks, exits, 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) fire department connections must be mounted on the street side of the building; and 7) an additional fire hydrant may be required if there is not one within 600 feet of the furthest point of the building as per NYS Fire Code 508.5.1 exception 2.

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

6 The Town of Ramapo Building, Planning & Zoning Department's April 4, 2016 denial letter indicates that variances are required for maximum development coverage and fence setback. These variances are not included on the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not specify all required variances.

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

8 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

9 It will difficult for vehicles parked in spaces 2 and 4 to maneuver out of the spaces. A turnaround area must be provided.

10 Map notes and a north arrow must be provided on the site plan.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health

DAVID BERGER (R-2563)

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

Anthony R. Celentano P.L.S.

David Berger

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.