



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

August 9, 2016

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

Tax Data: 56.14-3-39

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/1/2016

Date Review Received: 7/7/2016

Item: *NAFTOLY & MALKY BRECHER (R-2452A)*

Variations to permit the construction of a two-family dwelling located in the R-15 zoning district on .2884 acres. Required variations include: lot area, front setback, front yard, side setback, rear setback, rear deck setback, maximum development coverage, and floor area ratio.
Northwest corner of Suffern Place and Roberts Road

Reason for Referral:

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*

1 The subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence, nor does it comply with the lot area requirement for two-family residences of 20,000 SF. A lot area variance of 37 percent is needed. The proposed residential building will require a floor area ratio variance of 65 percent. The maximum permitted development coverage is exceeded by nine percent. Additional yard and setback variations are necessary to accommodate an oversized residential building on an undersized parcel. These deficiencies range from 20 percent to almost 43 percent.

The on-site parking requirement of two spaces per unit is achieved but turnaround areas are not provided. It will be difficult for vehicles to exit parking spaces 2 and 3 without backing into Suffern Place and Roberts Road. This department has reviewed several similar applications for properties in this neighborhood. A number of these applications have also required parking variations. It is likely that many residents and visitors will park on local streets thereby creating visibility issues for drivers reversing out of their driveways.

The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk

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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 surrounding 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 deficient in meeting these more stringent standards.

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 ability of the existing infrastructure to accommodate increased residential density on undersized 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.

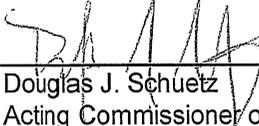
The following recommendations address our additional concerns about the requested variances.

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

5 A review must be completed by the Rockland County 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 fire trucks, in the event an emergency arises.

6 The site plan is lacking several features that must be provided. These include a north arrow and scale for the Vicinity Map, and map notes that list all appropriate information, including the district information. These features must be included on the site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Civil Tec Engineering & Surveying PC

Rockland County Planning Board Members

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**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.

