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

May 4, 2016

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

Tax Data: 49.15-3-29

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/1/2016 **Date Review Received:** 4/8/2016

Item: ***FREITAG - 21 CALVERT DRIVE (R-2536A)***

Variances to allow a two-lot subdivision of .4116 acres in an R-15C zoning district, and the construction, maintenance and use of a semi-attached, three-family residence with one accessory apartment on both lots. Each parcel will require variances for lot area, lot width, side yard, rear setback, rear yard, street frontage and maximum development coverage. A variance is also required for courtyard width.
South side of Calvert Drive, approximately 25 east of Crest Court

Reason for Referral:

Village of Kaser

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:

Recommend the following modifications

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along Calvert Drive immediately north of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The Village of Kaser must be given the opportunity to review the proposal and its impact on

community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 An updated review of the March 1, 2016 ZBA Plan must be completed by the County of Rockland Department of Health and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of January 6, 2016.

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

4 This subdivision proposal will result in two undersized, non-conforming lots. As a result, the proposed residential structures will require numerous variances. 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 an 18 percent over the maximum development coverage for both lots. 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 building footprints must be reduced to more closely comply with the R-15C bulk standards. The accessory apartment in each structure must also be eliminated given the narrow lot widths.

5 The proposed residential structures are exactly the same size as in the previous submission despite the fact that only one accessory apartment is now proposed in each three-family residence. The elimination of two accessory apartments should result in smaller structures, a reduced floor area ratio and more closely complying yards and setbacks. An explanation must be provided as to why the magnitude of the required variances has not decreased.

6 The Town of Ramapo Building, Planning & Zoning Department's March 1, 2016 denial letter indicates that an accessory apartment is not permitted as per Section 376-65G. This must be clarified as this department has previously been told that one accessory apartment is permitted in a three-family residence on a lot that is less than 75 feet wide.

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

8 The Town of Ramapo Building, Planning & Zoning Department's March 1, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include: 1) sprinklers must comply with NFPA 13R; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) if a portion of 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, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) fire department connections must be mounted on the street side of the building; 6) an additional fire hydrant will be required if the furthest point of the structure does not fall within 600 feet of the closest fire hydrant as per NYS Fire Code 508.5.1 exception 2; and 7) the location of the nearest fire hydrant must be shown.

FREITAG - 21 CALVERT DRIVE (R-2536A)

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

10 It is unclear why five parking spaces are proposed on each parcel when only four are required. The northern parking spaces on each lot extend beyond the designated street line (DSL). Since two accessory apartments have been eliminated on each lot, these extra parking spaces must be removed. This will reduce the extent of the development coverage variance and allow for an improved parking lot configuration. As currently conceived, vehicles parked in the six southern spaces will have to exit the spots and the site by reversing onto Calvert Drive. This is undesirable. In addition, exterior stairs are not depicted on the map making it difficult to evaluate pedestrian safety. The required four spaces per parcel must be reconfigured to allow for a turnaround area resulting in a safer layout for drivers and pedestrians.

11 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in the southwestern space on Lot 1 and the southeastern space on Lot. The dumpster enclosures must be moved to more accessible locations on each lot.

12 The DSL must be clearly labeled on the map. No parking shall be permitted within the DSL.

13 The ZBA Plan must include map notes.

14 The GML referral form indicates that three accessory apartments are proposed in each residential building. The application form and supporting documents, as well as the map, specify one accessory apartment per lot. All application materials must be consistent.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
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

Civil Tec Engineering & Surveying PC
Village of Kaser

The Freitag Irrevocable Trust

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

FREITAG - 21 CALVERT DRIVE (R-2536A)

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.