

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 4, 2016

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

Tax Data: 49.19-5-15

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

Map Date: 2/11/2016

Date Review Received: 10/6/2016

Item: *CHAYA GRODZINSKY/4 DUNHILL LANE (R-2581)*

Variances for front setback, front yard, side setback, rear setback, floor area ratio and deck rear setback to allow the construction, maintenance and use of an addition to an existing single-family dwelling on .347 acres in an R-15A zoning district. An accessory apartment is proposed.

East side of Dunhill Lane, approximately 115 feet south of Carlton Road

Reason for Referral:

Village of Kaser, 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:

****Recommend the following modifications***

1 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 380 feet east and 400 feet north of the subject property. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Ramapo.

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. The applicant is seeking a 62.5 percent increase over the maximum permitted floor area ratio, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density in oversized structures 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.

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3 As noted above, the applicant is seeking a 62.5 percent increase over the maximum permitted floor area ratio. The addition is massive and overshadows the existing structure. An almost fourfold increase in floor area is proposed. This very large structure is not in keeping with the surrounding residential development. Granting this variance will set a land use precedent and change the community character of this neighborhood. The proposed addition must be scaled back. The building footprint must be reduced to more closely comply with the R-15A bulk standards.

4 Additional information must be provided about the accessory apartment so it can be determined if it complies with the requirements of Section 376-65.

5 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.

6 A review shall be done by the New York State Department of Transportation, and any required permits obtained.

7 All proposed entrances, stairways and walkways must be illustrated on the site plan demonstrating that they will not impact yard requirements, pedestrian movement or parking maneuverability on the site.

8 The parking configuration is very awkward. Space 1 is 30-feet long and appears to also serve as a turnaround area for spaces 2 and 3. Vehicles parked in spaces 2 and 3 will have to reverse approximately 25 feet before reaching the turnaround area. In addition, space 2 extends beyond the 14-foot driveway width requiring extra turning maneuvers for a vehicle to exit. The parking area must be redesigned.

9 It is unclear what the irregular shape overlapping space 1 and west of the concrete walk represents. An explanation must be provided.

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Kaser

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Chaya Grodzinsky

**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.

