

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 3, 2016

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.10-3-29 56.10-3-28

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N  
**Map Date:** 4/13/2016

**Date Review Received:** 5/5/2016

**Item:** *GROVE ESTATES LLC (R-2461C)*

Three-lot subdivision of .9543 acres in the R-15A zoning district. A two-family residence is proposed on Lot 1; two-family residences with one accessory apartment are proposed on Lots 2 and 3. The multiple variances needed to implement this plan have been approved by the Town of Ramapo Zoning Board of Appeals subject to certain conditions.

North side of Grove Street, 200 feet east of Remsen Avenue

**Reason for Referral:**

NYS Route 59

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 While an accessory apartment has been eliminated from the proposed two-family residence on Lot 1 and the floor area ratio has been reduced for each structure, the layout plan is essentially the same. At a minimum, the building footprints should be smaller. The fifth parking space on Lot 1 should be eliminated resulting in less impervious surface and a reduced maximum development coverage. The calculations for floor area ratio and development coverage must be provided on the layout plan, as well as the previous calculations, so it is evident what has changed. We still believe that this proposal is precedent-setting, and a gross overutilization of three undersized lots which will result in neighboring property owners seeking the same relief. The community character of the surrounding neighborhood will be negatively affected by this development as currently proposed. The building footprints and the number of units must be reduced.

2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's April 29, 2016 letter.
- 5 The applicant must comply with the conditions of the Rockland County Health Department's May 5, 2016 letter.
- 6 As noted above, we are very concerned with the precedent that will be set by allowing this subdivision of two existing conforming lots into three non-conforming lots. Other parcels in the vicinity can also be combined, or currently exist in which higher density can be requested. 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.
- 7 While we note that there have been some improvements in the parking space layout, some spaces are still awkwardly configured. The southernmost spaces on Lots 1 and 2 are both within the designated street line. This is unacceptable. Vehicles parked in four of the five spaces on each of these lots will have to reverse into the narrow access driveway which serves eight separate units. The potential for vehicular conflicts is high. Space 3 on these lots and Space 5 on Lot 3 are situated too close to the entry staircases raising concerns about pedestrian safety. Smaller building footprints and fewer units will alleviate the parking layout constraints and reduce the required on-site parking.
- 8 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 13 Map Note #35 must be completed since the map note under the Bulk Table states that the variances have been granted under the Town of Ramapo Zoning Board of Appeals Case XBA-4259.

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14 It has been indicated in the materials submitted with this application that the variances for the proposed three-lot subdivision have been granted. However, the Rockland County Department of Planning has not received the minutes of the meeting stating the Town of Ramapo Zoning Board of Appeals actions or overrides. As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.

15 Map Note #7 must be corrected to refer to Section 239N of the State General Municipal Law, as Section 239K no longer exists. Map Note #25 must be deleted as it is duplicative of Map Note #7.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

Grove Estates, LLC

*\*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.*

