

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 29, 2016

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

Tax Data: 56.11-2-63

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

Map Date: 3/8/2016

Date Review Received: 4/8/2016

Item: *YECHZKEL LITZMAN (R-2555)*

Variations for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear setback, deck rear setback, street frontage, development coverage, floor area ratio and parking to allow the construction, maintenance and use of a two-family residence on .1492 acres in an R-15A zoning district.

South side of Grove Street, approximately 350 feet west of Route 306 and 135 feet east of North Saddle River Road

Reason for Referral:

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:

****Disapprove***

1 The subject site is located within an R-15A zoning district, a medium density residential district. The residential uses permitted by right in this zone include detached and semi-attached single-family residences, as well as detached two-family residences. Accessory apartments are also permitted. A minimum lot area of 15,000 SF is required for detached, single-family dwellings; semi-attached, single-family dwellings require a minimum lot area of 10,000 SF; and a minimum lot area of 20,000 SF is needed for detached, two-family dwellings. At 6,500 SF, the subject site does not meet the minimum lot area requirement for any of the residential uses permitted by right in the R-15A zoning district.

This parcel and the proposed two-family residence do not meet the R-15A standards for 13 of the 15 bulk requirements. The required deck rear setback variance is not included on the bulk table. A variance of 67.5 percent is necessary for the undersized parcel; the lot width and street frontage are deficient by more than 33 percent. The applicant is seeking a 100 percent increase over the maximum permitted floor area ratio. The oversized residential building only meets the rear yard

YECHZKEL LITZMAN (R-2555)

standard; variances are required for all other yards and setbacks. The maximum permitted development coverage is exceeded by 45.5 percent. The required on-site parking is not achieved.

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. Granting the bulk variances required for this parcel will set a precedent that will change the community character of the surrounding neighborhood. Other property owners will seek the same relief thereby creating a much denser residential area.

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.

This proposal will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances sought. The excessive number of variances are noted in the Town of Ramapo Building, Planning and Zoning Department's March 17, 2016 denial letter, as well as in the Fire Inspector's comments. The residential structure must be scaled back to more closely conform to the R-15A bulk standards. A smaller building footprint will reduce the extent of the variance for development coverage, as well as the yard and setback deficiencies.



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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,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Civil Tec Engineering & Surveying

Yechezkel Litzman

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.