Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 6, 2016

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

Tax Data: 56.11-2-20.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/30/2015 **Date Review Received:** 3/9/2016

Item: ***SHOLEM POTESH (R-851B)***

Variances for lot width, front setback, front yard, side setback, total side seback, street frontage, maximum development coverage and fence setback to allow the construction, maintenance and use of an addition to an existing two-family dwelling on .2008 acres in an R-15C zoning district.
East side of Main Street, 140 feet north of Secor Street

Reason for Referral:

Main Street (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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 8,748 SF or 42 percent smaller than the minimum lot area required for new detached, two-family residences in the R-15C zoning district. As a result, several yard and setback variances are required. The lot width and street frontage are deficient. The applicant is also seeking a 30 percent increase over the permitted maximum development coverage. The fact that this proposal cannot meet the relaxed standards of Section 376-131 is a clear indication that it will result in an overutilization of the site. The building footprint must be reduced.

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3 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. As noted above, the applicant is seeking a 30 percent increase over the allowable maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on non-conforming lots 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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Since decks, ramps and stairways are not permitted to be within ten feet of a property line as per NYS Fire Code 1024.3, a NYS variance will be required.

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

6 The proposed on-site parking must be shown on the site plan. An April 4, 2003 plot plan reviewed by this department includes four parking spaces where the addition is now proposed. Aerial photographs from 2007, 2010 and 2013 also show vehicles parked in this area. Each photograph includes at least three vehicles parked on the site to the west of the existing building. Given the reduced area available for parking and the location of the designated street line, it must be demonstrated that the required on-site parking can be provided and safely configured. Stairs and exits have not been shown on the addition, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

7 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

8 The bulk table does not indicate that a variance is required for fence setback. This variance is included in the Town of Ramapo Building, Planning and Zoning Department's denial letter of February 3, 2016. A total side setback variance is noted on the bulk table but not included in the denial letter. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not include all required variances.

9 The site plan indicates that the tax map designation is 56.11-2-20. The GML referral form and all other application materials specify 56.11-2-20.1 as the tax lot number. All application materials must be consistent. The tax lot information must be clarified.

10 The site plan must include map notes.

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

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Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State,
Division of Code Enforcement & Administration

Anthony R. Celentano P.L.S.

Sholem Potesh

**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.