# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

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

July 5, 2016

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

**Tax Data:** 49.19-6-5.1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 4/15/2016 **Date Review Received:** 6/3/2016

**Item:** ***TWENTY CEDAR LANE, LLC. (R-2165E)***

Variances for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage, deck rear setback, outer court width and more than one accessory apartment to allow the construction, maintenance and use of a semi-attached, three-family residence with two accessory apartments on .2217 acres in an R-15C zoning district.
North side of Cedar Lane, approximately 570 feet west of Route 306

**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 On January 22, 2016, this department issued a GML review of the variances required for a semi-attached three-family dwelling with three accessory apartments on this parcel. We noted that the narrow lot width allowed for only one accessory apartment and cautioned the Town's Zoning Board of Appeals (ZBA) to consider the ability of the existing infrastructure to accommodate increased residential density on a non-conforming parcel. We recommended that two accessory apartments be eliminated and the building footprint reduced to create a more closely complying proposal. The ZBA concurred and approved only one accessory apartment. In our opinion, proximity to the Village of Kaser is not a valid reason for granting a variance that will greatly increase the residential density and change the community character of the surrounding neighborhood. The number of accessory apartments shall be limited to only one.

**TWENTY CEDAR LANE, LLC. (R-2165E)**

2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 25 feet east of the site. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

3 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject site is 50 feet. Therefore, only one accessory apartment is allowed. The second accessory apartment must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

4 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 more than a 27 percent increase over the permitted maximum development coverage. 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.

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

6 A review must be completed by the Rockland County Office of Fire and Emergency Services or the local fire department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 As indicated in the April 8, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments 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) decks, exits, ramps and stairways are not permitted within ten feet of the property line as per NYS Fire Code 1024.3; 4) the courtyard distance does not conform with requirements; 5) fire department connections must be mounted on the street side of the building; 6) if the building exceeds 30 feet above the lowest level of fire department access, an aerial apparatus road will be required to comply with NYS Fire Code D105; and 7) an additional fire hydrant may be required if there is not one within 600 feet of the furthest point of the building as per NYS Fire Code 508.5.1 exception 2.

8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of February 8, 2016.

9 It will difficult for a vehicle parked in space #3 or #4 to maneuver out of these spaces. No front stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would 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 front stairs and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

10 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in space #3. The dumpster enclosure must be moved to a more accessible location.

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11 It is unclear why the floor area ratio, the yard and setback distances, and the number of parking spaces have not changed if the proposed number of accessory units has been reduced from three to two. It also appears that six decks are proposed. These features must be reduced to coincide with the approved number of units.

12 The proposed maximum development coverage has decreased despite the fact that the building footprint remains the same and six parking spaces are still shown. A development coverage calculation must be provided. The applicant must clarify the reason for the reduced development coverage.

13 The fifth and sixth parking spaces must also be eliminated as they are not required for a four-unit structure.

14 Since a shared driveway is proposed, an access easement over Lot 49.19-5-5.2 is required and must be noted on the plan.

15 The GML referral form and the application form both indicate that a three-family dwelling with three accessory apartments is proposed. These forms must be updated to reflect the current proposal. 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

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

Twenty Cedar Lane, 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.*