

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 3, 2016

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

Tax Data: 56.15-3-35

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

Map Date: 2/29/2016

Date Review Received: 7/7/2016

Item: *YOCHED WEISSMANDL (R-2567)*

Variances for lot area, lot width (Summit Avenue), front setback (Summit Avenue and Miele Road), front yard (Summit Avenue and Miele Road), rear setback and floor area ratio to allow the construction, maintenance and use of addition to and the conversion of a single family dwelling to a two-family dwelling on .4392 acres in an R-15 zoning district.

South side of Miele Road, east side of Summit Avenue

Reason for Referral:

NYS Thruway, Village of Airmont

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 the subject site is close to meeting the minimum lot area standard of 20,000 SF required for two-family dwellings, the lot width for Summit Avenue is also non-conforming. The proposed building will require a floor area ratio variance of almost 38 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by considerably smaller parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards. We recommend that the proposed addition be scaled back to more closely conform the R-15 bulk requirements.

YOCHEVED WEISSMANDL (R-2567)

2 As noted above, 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 substantial variance for maximum floor area ratio. 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.

3 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

4 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 255 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

5 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of June 16, 2016.

6 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.

7 The Town of Ramapo Building, Planning & Zoning Department's April 4, 2016 denial letter contains comments from the Fire Inspector which must be addressed. These include: 1)) sprinklers must comply with NFPA 13D; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) if a portion of the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS Fire Code D105; 4) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) the existing house is to be sprinklered; and 6) fire department connections must be mounted on the street side of the building.

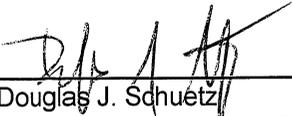
8 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

10 It will difficult for vehicles parked in spaces 2 and 4 to maneuver out of the spaces. A turnaround area must be provided.

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

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Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Drainage Agency
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
Village of Airmont

Yocheved Weissmandl

**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.

