

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

June 19, 2017

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.14-3-5

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 4/11/2017

**Date Review Received:** 5/12/2017

**Item:** *23 SOUTH REMSEN STREET (R-2585A)*

Two-lot subdivision of .8383 acres in an R-15 zoning district. A detached, two-family residence is proposed on each parcel. Variances were granted for lot area, lot width, side setback, total side setback, street frontage and floor area ratio for both lots. A rear setback variance was granted for Lot 1; a front yard variance was granted for Lot 2.

East side and terminus of South Remsen Street, approximately 840 feet south of Route 59, and the north side of the NYS Thruway

**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 As noted in our February 2, 2017 review of the variances required for this subdivision, the applicant is proposing to create two undersized parcels that are also deficient in meeting the lot width and street frontage requirements for two-family residences. The proposed residential structures are oversized requiring variances for floor area ratio, as well as several yard and setback variances. The subject site can yield one conforming 15,000 SF lot for a single-family residence and one conforming 20,000 SF lot for a detached, two-family residence. Due to its irregular shape, it will be non-conforming in terms of lot width and street frontage for any proposed residential development. The current proposal must be scaled back to more closely conform to the R-15 bulk standards. The building footprints must be reduced, and one residential unit eliminated on each lot.

**23 SOUTH REMSEN STREET (R-2585A)**

2 While detached, two-family residences are permitted by right in the R-15 zoning district, the surrounding neighborhood is predominantly characterized by single-family residences. Granting the requested bulk variances will set a precedent that will change the community character of the adjacent area. Other property owners will seek the same relief thereby creating a much denser residential neighborhood. The Planning Board must evaluate these potential community character issues before approving this proposal.

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. The ability of the existing infrastructure to accommodate increased residential density on undersized and 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 Planning Board must consider the cumulative and regional impacts of permitting such development.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of May 17, 2017.

5 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of May 24, 2017.

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

7 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 245 feet southwest 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 proposal and provide any concerns related to the project to the Town of Ramapo.

8 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.

9 There shall be no net increase in the peak rate of discharge from the site at all design points.

10 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.

11 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

12 A five-foot wide shade tree easement is not indicated on the map. The Town must confirm whether Section 258-3 (the shade tree easement requirement) applies to this proposal. The Director of Public Works shall determine if it is possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

13 Cross easements will be required for ingress/egress, emergency access and utilities, and must be illustrated on the map. The land area within the easements is subject to lot area deductions. It shall not be included in the minimum lot area for each parcel.

**23 SOUTH REMSEN STREET (R-2585A)**

14 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

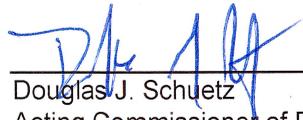
15 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises

16 Vehicles parking in the two outdoor spaces proposed on Lot 2 will reverse directly into the driveway serving Lot 1. This arrangement has the potential for vehicular conflicts. The parking spaces on Lot 2 must be reconfigured so that vehicles do not reverse into the driveway. A turnaround area must be provided.

17 The existing conditions are illustrated on the Layout Plan making it difficult to evaluate the proposed development. A separate existing conditions map must be prepared. This information shall be removed from the Layout Plan.

18 Map Note 16 must be revised to indicate SUEZ as the water supplier.

19 It has been indicated in the materials submitted with this application that the variances for the proposed two-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.



---

Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Deputy Supervisor Yitzchok Ullman, Ramapo
- New York State Thruway Authority
- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- New York State Department of State
- Rockland County Office of Fire and Emergency Services
- Monsey Fire District
  
- Civil Tec Engineering & Surveying PC
- Village of Airmont

Yoel & Rifka Bleier

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

**23 SOUTH REMSEN STREET (R-2585A)**

*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.*