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 20, 2017

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

Tax Data: 56.11-2-73.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/15/2017 **Date Review Received:** 6/9/2017

Item: ***5 LANE HOLDINGS, INC./LOT 73.2 (R-2122J)***

Variances for side setback, side yard, total side yard, maximum development coverage, courtyard width and more than one accessory apartment to permit the addition of three accessory apartments in a semi-attached, three-family dwelling on .2968 acres in the R-15C zoning district. The residential structure is built and variances were previously received for rear setback, development coverage and wall height.
South side of Lane Street, 276 feet west of Route 306

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 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. In addition to proposing a 50 percent increase in the maximum number of allowable units, the applicant is seeking a 20 percent increase over the maximum permitted development coverage, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density 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. Only one accessory apartment shall be permitted.

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2 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 62.5 feet. Therefore, a maximum of one accessory apartment is allowed. The second and third accessory apartments shall not be permitted. 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.

The following recommendations address our additional concerns about this proposal.

3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

4 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of May 10, 2017.

5 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.

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

7 The Town of Ramapo Building, Planning and Zoning Department's denial letter of March 22, 2017 does not indicate that a variance is required for maximum development coverage. This variance is included on the bulk table. The extent of the variance for maximum development coverage has increased. The project narrative does not specify that a total side yard variance is required but it is noted on the bulk table. All required variances must be clarified. While a deck rear setback variance is not noted in the denial letter, project narrative or the bulk table, it appears to be required. All application materials must be consistent. If the public hearing notice did not include all of the variances required for this proposal, it will have to be reissued.

8 It appears that a variance may be required for a party wall less than 50 percent attached. This must be clarified. If this variance is required, then the public hearing notice will have to be reissued.

9 The proposed parking spaces must be clearly labeled and numbered. It appears that five parking spaces are provided on the east side of the site. It is unclear if a sixth parking space is proposed on the west side of the parcel. This must be clarified.

10 It will be difficult for a vehicle parked in the handicapped space to safely exit the space. A turnaround area must be provided.

11 The vicinity map must include a scale and a north arrow.

12 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

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13 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

14 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC

5 Lane Holdings, Inc.

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.