

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-6-14

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 11/25/2016

Date Review Received: 3/1/2017

Item: 7 CEDAR LANE SUBDIVISION (R-2574A)

Two-lot subdivision of .3985 acres for a parcel located in the R-15C zoning district. Multiple variances have been granted by the Zoning Board of Appeals.

South side of Cedar Lane, just west of Crown Road

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:

****Disapprove***

1 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. (239-n 6. for subdivisions).

2 The proposed residential structures are exactly the same size as in the previous submission despite the fact that only one accessory apartment is now proposed in each three-family residence. The elimination of two accessory apartments should result in smaller structures, a reduced floor area ratio and more closely complying yards and setbacks. An explanation must be provided as to why the magnitude of the required variances has not decreased.

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3 The proposed two-lot subdivision is deficient by 29% in meeting the minimum lot area standard of 10,000 SF required for a two or three-family semi-attached residence for Lot #2. Additional non-conformities are proposed on each lot. Lot #1 requires multiple variances, including rear setback and rear deck setback deficiencies of 50%, a maximum development coverage that is exceeded by 27%, and greater than permitted number of accessory units. Lot #2 requires more extensive variances and is deficient in yards ranging from almost 29% to over 33%, with the need for a 50% rear deck setback and maximum development coverage that exceeds the allowance by 18%. In addition, both lots need variances for having less than 50% of the building attached and an insufficient courtyard area. The proposal to build an oversized residential building on an undersized parcel results in the need for these variances. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in other nearby property owners seeking the same relief. Subdividing a lot which cannot yield two conforming lots in this neighborhood will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While a three-family semi-attached residence is permitted as of right in the R-15C zoning district, it is apparent given the magnitude and number of variances required to implement the proposal that this site is not suitable to be subdivided. We recommend that the two-lot subdivision be denied, and that the lot be retained as a single lot.

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 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.

The comments below address our additional concerns about this subdivision application.

5 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.

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 June 6, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include: 1) the building must be sprinklered as per NFPA 13R; 2) fire department connections must be mounted on the street side of the building; 3) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 4) sufficient parking must be provided so that fire department access is not blocked; 5) the location of the nearest fire hydrant must be shown; 6) the exit access to public way must be provided as per NYS Fire Code 1024.6; 7) if any portion of the building is more than 30 feet above the lowest level of fire department access, an aerial apparatus road must be provided in compliance with Appendix D105 of the NYS Fire Code; 8) a sprinkler plan must be provided; and 9) carbon monoxide detectors must be provided.

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8 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 400 feet northeast of the subject property line. 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.

9 It will difficult for a vehicle parked in spaces #2, #5, or #9 to maneuver out of the space without a turnaround area. In addition, no 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 stairs and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

10 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.

11 We noted in our August 24, 2016 review for the Zoning Board of Appeals that as per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet, and that the lot width of the subject site is 62.5 feet. We noted that this would allow for closer conformance with the R-15C bulk requirements. Since that review, the number of units for Lot #1 has been reduced from three accessory units to one. However, except for the number of parking spaces being reduced to 11 spots, instead of 13 as previously proposed, no other modifications have been made to the proposed site plan. The size of the buildings remain the same, despite the reduction in the number of units on Lot #1, as does the maximum development coverage. The development coverage calculation must be revised to reflect less impervious surface area from the reduction in the number of parking spaces. In addition, a smaller building footprint must be provided so that the proposal better conforms to the bulk requirements since fewer accessory units are proposed.

12 The comments in the December 15, 2016 letter from the Rockland County Department of Health must be met. In addition, an updated review must be completed by them, and all required permits obtained.

13 The comments in the February 3, 2017 letter from the Rockland County Sewer District #1 must be met.

14 Map Note #14 must be updated to reflect that Suez is now the water supplier, and not United Water.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Monsey Fire District
New York State Department of State

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

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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.