

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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April 24, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-2-74

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 3/8/2017

Date Review Received: 3/10/2017

Item: **7 LANE STREET (R-2521B)**

Three-lot subdivision of .64 acres in the R-15C zoning district. A detached three-family residence is proposed on Lot 1; a semi-attached three-family residence with one accessory apartment is proposed on Lots 2 and 3.

South side of Lane Street, 150 feet east of North Saddle River Road

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:

****Recommend the following modifications***

Residential uses permitted by right in the R-15C zoning district include detached, three-family residences, as well as semi-attached, three-family residences. Accessory apartments are also allowed. A minimum lot area of 15,000 SF is required for detached, three-family residences; a 10,000 SF minimum lot area is required for semi-attached, three-family residences.

At 27,896 SF, the subject site can yield a conforming 15,000 SF parcel, or two conforming 10,000 SF parcels. The maximum number of residential units permitted by right on this site is ten or twelve depending on the lot configuration. Two semi-attached, three-family residences can be constructed on a minimum of 10,000 SF with one or three accessory apartments in each. A minimum lot width of 75 feet is required for more than one accessory apartment. The applicant is proposing a three-lot subdivision with three residential units on Lot 1 and four units each on Lots 2 and 3. Minimum lot area variances ranging from 15 to 23 percent were required for each parcel. Lot 2 is land locked with no street frontage. The lot width and street frontage are deficient for Lot 3. This parcel is further constrained by a 120-foot long driveway which reduces the usable lot area by 2,880 square feet. Lots 1 and 3 required variances for maximum development converge. Yard and setback variances were necessary for the residential structures proposed on all three lots.

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A parking easement must be provided for Lot 2. Lot 2 will also require an access easement over Lot 3.

While the number of accessory units for Lot 1 has been reduced, the three-lot subdivision still exceeds the bulk standards, resulting in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The proposal must be scaled back to more closely comply with the R-15C bulk standards. The subdivision proposal shall be limited to two lots.

The following comments address additional concerns about the proposed subdivision.

1 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.

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

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 16, 2017.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of March 21, 2017.

5 The proposed residential structure on Lot 1 is exactly the same size as in the previous submission despite the fact that no accessory apartments are now proposed. The elimination of three 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.

6 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.

7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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

9 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.

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10 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.

11 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.

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

13 The General Notes indicate that Lots 2 & 3 will each contain one accessory apartment; the Bulk Requirements Table lists that only a three-family semi-attached residence is proposed. It must be clarified if one accessory apartment is being proposed on Lots 2 & 3. All information must be consistent.

14 General Note #13 lists United Water as the water supplier. This must be updated to be Suez.

15 The Vicinity Map must contain a north arrow and scale.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Civil Tec Engineering & Surveying PC

**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.

