Rockland County

Ed Day, Rockland County Executive

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

April 20, 2017

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

Tax Data: 56.11-3-59

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/12/2016 **Date Review Received:** 3/8/2017

Item: ***91 GROVE STREET (R-2590)***

Variances for lot area, lot width, side setback, total side setback, rear setback, street frontage, maximum development coverage, floor area ratio and deck rear setback to allow the construction, maintenance and use of a two-family dwelling with one accessory apartment on .189 acres in an R-15A zoning district. South side of Grove Street, approximately 620 feet east of Remsen Avenue

Reason for Referral:

NYS Route 59

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**

The subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence. Additional non-conformities include lot width and street frontage. The applicant is proposing to construct a two-family residence with only 42 percent of the required lot area available. The proposed building will require a floor area ratio variance of almost 113 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The maximum development coverage standard is exceeded. The number and magnitude of the variances required are a clear indication that this proposal will result in an overutilization of the site.

The surrounding neighborhood is characterized by similarly-sized 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-15A zoning district, they are subject

to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied. The building footprint must be reduced and fewer units proposed to achieve closer compliance with the R-15A bulk standards.

The following comments address our additional concerns about this proposal.

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

2 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. As noted above, many variances of great magnitude are required for this proposal. 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. The building footprint and number of units shall be reduced to more closely comply with the R-15A bulk requirements.

3 This neighborhood is characterized by similar lot sizes and residential structures. The applicant is proposing a two-family dwelling with a floor area ratio that is 112.5 percent greater than the permitted maximum. Granting a variance of this magnitude will undermine the integrity of the zoning ordinance. It will also set a precedent for nearby property owners to seek similar relief, thereby changing the character of this residential neighborhood. The Town of Ramapo must evaluate this proposal as it relates to the surrounding community, as well as the precedent that can be set. The proposed is oversized, and out of context in this predominantly single-family neighborhood. The building footprint must be scaled back to conform to the R-15A bulk standard for floor area ratio. The proposed floor area ratio shall not be permitted.

The following comments address our additional concerns about this proposal.

4 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.

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

6 The Town of Ramapo Building, Planning & Zoning Department's March 7, 2017 denial letter includes 20 separate comments from the Fire Inspector that must be addressed.

7 All proposed entrances, stairways, walkways, window wells and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability on the site.

8 It will difficult for vehicles parked in space 3 or 5 to maneuver out of the spaces without a turnaround area. Several turning maneuvers will be required. A turnaround area must be provided so that vehicles do not have to back out into the roadway

91 GROVE STREET (R-2590)

9 The Town of Ramapo Building, Planning & Zoning Department's March 7, 2017 denial letter does not include a variance for lot width. This variance is specified on the bulk table. All application materials must be consistent. The public hearing notice must be reissued if it did not include all required variances.

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

11 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

12 A review must be completed by the Rockland County Sewer District # 1 and all required permits obtained.

13 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
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

Anthony R. Celentano P.L.S.

Motty Waldman

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.