



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 14, 2017

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

Tax Data: 56.11-2-72

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 7/7/2017

Date Review Received: 8/9/2017

Item: *CONGREGATION BETH DAVID - 3 LANE STREET (R-2613)*

A variance application to allow a two-lot subdivision, and the construction of two semi-attached three-family dwellings, with a total of four accessory apartments (ten units total), on 0.55 acres in the R-15C zoning district. Variances are requested for lot width, rear setback, and street frontage for lot 1; rear setback, rear deck setback, and development coverage for lot 2; and for the attachment requirement, parking ownership, and the courtyard requirement.

Southern side of Lane Street, approximately 125 feet west of Main Street (NYS Route 306).

Reason for Referral:

Main Street (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*

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. The width of lot 1 is 19% less than the minimum requirement, the rear setbacks are reduced by 17% and 67% for lots 1 and 2, the rear setback for decks is reduced by 50% for lot 2, and the maximum development coverage for lot 2 is increased by 16%. The ability of the existing infrastructure to accommodate increased residential density on undersized 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.

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- 2 The project descriptions in the application, GML referral form, narrative and site plan are not consistent. The application and referral form describe the project as a "two lot subdivision with a three family dwelling with three accessory apartments on each lot", which would be a total of twelve units. The narrative and site plan present the project as having a total of ten units. The town must clarify the number of units and, if incorrect, the public hearing notices must be reissued.
- 3 The metes and bounds of the proposed new lots are not given and must be shown on the site plan.
- 4 The proposed lot line requires variances that are not necessary to develop the property. With an area of 23,867 square feet and a width of 146.7 feet at the front setback line, the existing lot is both large enough and wide enough to create two lots that meet the minimum requirements of the town. When calculated as one lot, the maximum development coverage for the proposed structure is 50.4%. The parking for each lot could also be provided on site. The variances for lot width, maximum development coverage, and parking could be eliminated with a different lot line configuration. The proposed subdivision line must be reconfigured to minimize the necessary variances.
- 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 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.
- 7 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.
- 8 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review
- 9 All concerns raised by the Deputy Director of Building, Planning & Zoning for the Town of Ramapo in his May 16, 2017 (rev. June 13, 2017) letter must be addressed to his satisfaction.
- 10 All concerns raised by the Fire Inspector for the Town of Ramapo in his August 8, 2017 letter must be addressed to his satisfaction.
- 11 As the proposed height is more than 30 feet, an aerial apparatus road must be provided.
- 12 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 13 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

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

15 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.

16 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.

17 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 Drainage Agency
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Lanc & Tully Engineering and Surveying, P.C.

**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.

