

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 6, 2017

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

Tax Data: 56.07-2-10

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

Map Date: 2/17/2017

Date Review Received: 5/8/2017

Item: *JOSEPH & ROBERT FUCHS - 10 HIGHVIEW ROAD (R-2601)*

Variances to permit the construction and maintenance of an addition to an existing single-family dwelling, so that it can be converted to a two-family dwelling. Required variances include: side setback, total side setback, side yard, rear setback, and floor area ratio. In addition, a courtyard variance is required. The parcel is located on .61 acres in the R-15 zoning district.

North side of Highview Road, 135 feet west of W. Maple Avenue

Reason for Referral:

Highview Road (CR 64)

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 The R-15 zoning district permits a two-family detached dwelling, with not more than one principal residential building on a lot. The applicant is proposing a two-family dwelling that is designed to only attach along a 20 foot wall; resembling a semi-attached structure, rather than a detached structure. This design also necessitates the need for a courtyard variance. The applicant must redesign the addition so that the building does not appear to be two separate structures joined along a common wall, indicative of a semi-attached structure, but rather be one cohesive residential building.

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2 The surrounding neighborhood is characterized by significantly smaller parcels than the subject site. Granting these bulk variances, especially the floor area ratio variance, 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 surrounding streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting some of these more stringent standards. The proposal shall be scaled back to more closely conform to the R-15 bulk standards for two-family residences.

3 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 applicant is proposing an addition that will result in the residence having a floor area ratio that is 40% greater than permitted. 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.

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.

As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code since the existing garages are located closer than ten feet to the property line.

5 The site plan is lacking several features that must be provided. These include a north arrow and scale for the Vicinity Map, and more detailed map notes that list all appropriate information, including the district information. These features must be included on the site plan.

6 General Notes #6 must be corrected to refer to Section 239 M of the General Municipal Law. Section 239 N references subdivisions, which is not being proposed.

7 A review must be completed by the County of Rockland Department of Highways, all comments or concerns addressed, and all required permits obtained.

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

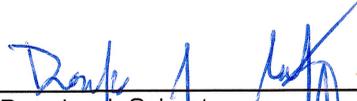
9 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

10 The land area to be dedicated to the Town of Ramapo, should instead be dedicated to the Rockland County Department of Highways, since Highview Road is a county road.

11 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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12 There shall be no net increase in the peak rate of discharge from the site at all design points.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Deputy Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State
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.

