Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 10, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-6-5.2 49.19-6-5.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 8/23/2017 **Date Review Received:** 8/31/2017

Item: ***GALANDAUER SUBDIVISION (R-2165F)***

Revised two-lot subdivision of .44 acres in an R-15C zoning district. A semi-attached, three-family residence with two accessory apartments is proposed on each parcel. Variances were previously granted for lot area, lot width, rear setback, street frontage, maximum development coverage, rear yard (deck) and more than one accessory apartment for both lots.

North side of Cedar Lane, 520 feet west of Route 306

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:

Recommend the following modifications

It is our understanding that the parent parcel was subdivided in 2012, and the residential structures are constructed. This department has consistently recommended that the number of accessory apartments be limited to one given the deficient lot widths.

We offer the following comments on this subdivision application.

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. 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.

2 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.

GALANDAUER SUBDIVISION (R-2165F)

3 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject sites is 50 feet. Therefore, only one accessory apartment is allowed. The second accessory apartment must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage on both parcels.

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 subject sites are deficient in meeting the minimum standards for lot area, lot width and street frontage. The applicant is proposing more than a 36 percent increase over the permitted maximum development coverage. 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.

5 The proposed development coverage, as indicated in the bulk table, is .75. The April 15, 2016 maps reviewed by this department for the required variances specified a development coverage of .70 on each lot. As a result of this increase, we believe another ZBA review is required. This must be clarified. Any additional variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law. We note that the proposed maximum development coverage for Lot 2 is the only variance with a double asterisk. Was this variance granted separately? Clarification must also be provided.

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 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.

8 As indicated in the April 8, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises seven issues that must be satisfactorily addressed.

9 An updated review of the August 23, 2017 drawings must be completed by the Rockland County Sewer District No. 1. In addition, the applicant must comply with the conditions of the Sewer District's letter of June 20, 2017.

10 It will difficult for vehicles parked in spaces #3 or #4 on both lots to maneuver out of these spaces. No front 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 will be safety issues for the residents. The front stairs and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

11 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in space #3 or #4 on both lots. The dumpster enclosures must be moved to more accessible locations.

GALANDAUER SUBDIVISION (R-2165F)

12 The proposed walkways connect to each residence in six different locations. It is unclear if six building entrances are proposed. Given that five units are proposed, the purpose of these six building connections must be clarified. In previous reviews, this department commented on the fact that the structures had not decreased in size despite the elimination of one accessory unit. The current walkway configuration raises the question of the intended purpose of all the sidewalks, therefore the number of units are actually contained in these structures must be clarified. Removing unnecessary sidewalks will result in a lower development coverage.

13 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.

14 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

15 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.

16 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.

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

18 Map Note 14 must be corrected to reflect that SUEZ is the water supplier.

19 Map Note 30 is incomplete. Additional information must be provided.

20 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.

21 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.

22 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.

GALANDAUER SUBDIVISION (R-2165F)

Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celentano, PLS
Village of Kaser

Shimmy Galundauer

**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.