

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 15, 2017

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

Tax Data: 56.07-4-10

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

Map Date: 6/6/2017

Date Review Received: 6/8/2017

Item: *MAR AND RIV, LLC. (R-2597)*

Variations for front setback, front yard, rear setback, maximum development coverage, floor area ratio, deck rear setback, and wall height and setback to allow the construction, maintenance and use of a three-family dwelling with three accessory apartments on .2039 acres in an R-15C zoning district. West side of Route 306, approximately 825 feet north of Maple Avenue.

Reason for Referral:

NYS Route 306, 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:

****Disapprove***

Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 8,883 SF or 41 percent smaller than the minimum lot area required for new three-family residences on conforming lots in the R-15C zoning district. An oversized residential structure is proposed requiring a 20 percent increase above the maximum permitted floor area ratio and a 48 percent increase over the maximum permitted development coverage. Several yard and setback variances are also needed. More than 10 percent of the site is beyond the designated street line (DSL). As a result, two of the six required on-site parking spaces are located entirely within the DSL, and another two spaces are partially within the DSL.

This proposal will result in an overutilization of the site as evidenced by the number and the magnitude of the variances required. Given that this site benefits from the application of Section 376-131, the proposed number of units shall be reduced. We recommend that two accessory units be eliminated, and the building footprint be reduced. This will result in a reduced on-site parking requirement thereby decreasing the development coverage, as well as the yard and

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setback variances. It will also allow for a parking configuration that provides safe and easy access into and out of the site.

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 all required permits obtained.
- 2 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Kaser must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 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. As noted above, the applicant is seeking a 48 percent increase over the maximum permitted development coverage and a 20 percent increase over the maximum allowable floor area ratio, as well as several yard and setback variances. 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.
- 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 June 7, 2017 denial letter includes 19 comments from the Fire Inspector that must be satisfactorily addressed.

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

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

9 It will difficult for a vehicle parked in space #1 or #4 to maneuver out of these spaces without a turnaround area. The building entrances on the east side of the structure are not clearly defined on the layout plan, making it difficult to assess the parking area in relation to pedestrian movement on the site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and all stairways and building entrances must be illustrated on the site plan so that safety issues can be properly evaluated.

10 The dumpster enclosure must be easily accessible to sanitation workers. Parked vehicles must not block access.

11 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.

12 Map Note 9 incorrectly references Section 239N. This is an application for variances, not a subdivision proposal. Section 239L and M must be referenced in Map Note 9.

13 As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Deputy Supervisor Yitzchok Ullman, 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.
Village of Kaser

Mar and Riv, LLC
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.*

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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.