

**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*

October 31, 2017

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

**Tax Data:** 56.08-2-39

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

**Map Date:** 7/29/2016

**Date Review Received:** 10/5/2017

**Item:** *BRENDA M. SCHNITZLER/19 SUZANNE DRIVE (R-2622)*

Variances for front setback, front yard, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of an addition to, and the conversion of, an existing single-family dwelling to a three-family dwelling with three accessory apartments on .2273 acres in the R-15C zoning district.

West side of Suzanne Drive, approximately 270 feet north of Lenore Avenue

**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***

- 1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 320 feet west of the subject property line. 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 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.
- 3 A review shall be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 4 The subject site is 9,900 SF or .2273 acres. While this lot area is noted on the site plan, the bulk table specifies 11,700 SF. It is unclear which lot area was used to calculate the maximum development coverage and floor area ratio. This must be clarified. The maximum development coverage and floor area ratio calculations must be shown on the map.

**BRENDA M. SCHNITZLER/19 SUZANNE DRIVE (R-2622)**

5 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 seeking a 30 percent increase over the maximum permitted development coverage, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on 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.

6 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 9,900 SF or 34 percent smaller than the minimum lot area required for new three-family residences in the R-15C zoning district. Given that this parcel benefits from the application of Section 376-131, the proposal must more closely conform to the relaxed standards. The building footprint and the number of units shall be reduced.

7 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.

8 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.

9 The Town of Ramapo Building, Planning & Zoning Department's January 20, 2017 denial letter includes 20 comments from the Fire Inspector that must be satisfactorily addressed.

10 The Town of Ramapo Building, Planning & Zoning Department's January 20, 2017 denial letter and the August 21, 2017 Narrative indicate that a variance is required for side setback. This variance is not included on the bulk table. The need for this variance must be clarified. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.

11 It will difficult for vehicles parked in spaces 1 and 6 to maneuver out of these spots without a turnaround area. It is unclear what the dark line running from the northeast corner of the proposed addition to the access aisle for the handicapped parking symbolizes. Is it a feature that will prevent vehicular turning maneuvers? This must be clarified. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

12 The configuration of the on-site parking results in difficult to maneuver spaces as designed, further indicating that too many units are proposed on this constrained site. The total number of units shall be reduced so that fewer parking spaces are required. This will allow the building footprint to be reduced so that the maximum development coverage conforms to the bulk requirements, and allow a parking configuration that provides safe and easy access into and out of the site.

13 All proposed building entrances, stairways, window wells, ramps and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability on the site.

14 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 5 and 6. The dumpster enclosure must be moved to a more accessible location.

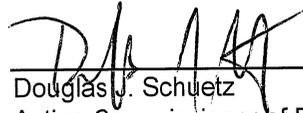
15 The site plan shall contain map notes that list all appropriate information, including the district details.

**BRENDA M. SCHNITZLER/19 SUZANNE DRIVE (R-2622)**

16 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.

17 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.

18 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  
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 P.L.S.  
Village of Kaser

Brenda M. Schnitzler

*\*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.*

