

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 7, 2018

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.11-2-72

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 2/2/2018

**Date Review Received:** 4/4/2018

**Item:** 3 LANE STREET SUBDIVISION (R-2613A)

Two-lot subdivision of .548 acres in the R-15C zoning district. Two semi-attached, three-family dwellings are proposed on each lot. There will be one accessory apartment in the structure on Lot 1, and three accessory apartments in the structure on Lot 2. Variances were previously granted 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. South 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 In our September 14, 2017 GML review of the variances required for the proposed subdivision and residential development, we offered the following comment about the lot configuration. "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." We continue to recommend that the lots be reconfigured to more closely comply with the R-15C bulk standards.

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- 2 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 respectively, 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, 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. The lots must be reconfigured, or the building footprints reduced, and fewer units permitted on Lot 2.
- 3 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.
- 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 Fire Inspector for the Town of Ramapo must be satisfied that the concerns raised in his August 8, 2017 letter have been addressed.
- 7 As the proposed building height is more than 30 feet, an aerial apparatus road must be provided.
- 8 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 9 An updated review of the February 2, 2018 site plan must be completed by the Rockland County Sewer District #1 and all required permits obtained from them. The applicant must also comply with the conditions of the Sewer District #1's letter of September 27, 2017.
- 10 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.
- 11 The Deputy Director of Building, Planning & Zoning for the Town of Ramapo must be satisfied that the concerns raised in his May 16, 2017 (rev. June 13, 2017) letter have been addressed.
- 12 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.
- 13 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.

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- 14 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.
- 15 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 16 The proposed building height for each structure must be indicated in the bulk table. The February 2, 2018 letter from Lanc & Tully indicates that the rear buildings have been reduced to two stories, and therefore less than 40 feet.
- 17 The bulk table must be revised to indicate that four parking spaces are required for Lot 1, and six spaces are required for Lot 2.
- 18 The project narrative specifies that six parking spaces will be provided in each of the two parking areas. Five parking spaces are shown in each parking area on the site plan. All application materials must be consistent.
- 19 The metes and bounds of the proposed new lots are not given and must be shown on the site plan.
- 20 The designated street line shall be indicated on the site plan.
- 21 It is unclear why the symbols for wetlands and marshes are used on the site plan in the designated play areas and the 25-foot rear setback area on Lot 1. This is confusing as these environmental features are not present on the property. The undeveloped areas and pervious surfaces must be delineated in a different way.
- 22 The Landscaping Plan must include shade trees every 40 linear feet within the five-foot shade tree easement, as required in Section 258-3.
- 23 Map Note 28 on both the subdivision map and the site plan references Planning Board applications for additional accessory apartments. The maximum number of permitted accessory apartments are proposed. Lot 1 is less than 75 feet wide so only one accessory apartment is allowed; three accessory apartments are permitted on Lot 2. Map Note 28 shall be eliminated as no additional accessory units are permitted.
- 24 The last revision date on the Grading and Utility Plan (Sheet 3 of 7) must be corrected.
- 25 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.
- 26 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.
- 27 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.

**3 LANE STREET SUBDIVISION (R-2613A)**

*Arlene Miller*  
for Douglas J. Schuetz  
*Deputy* ~~Acting~~ Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
New York State Department of Transportation  
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  
Rockland County Planning Board  
Lanc & Tully Engineering and Surveying, P.C.

Allstate Developers

Mona Montal, Chief of Staff

*\*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.*