



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

February 28, 2018

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.15-3-39

49.15-3-34

49.15-3-33

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

**Map Date:** 2/10/2017

**Date Review Received:** 1/26/2018

**Item: 6 - 8 CEDAR SUBDIVISION (R-2383G)**

Re-approval of a five-lot subdivision of 1.12 acres in the R-15C zoning district. The assemblage consists of three existing parcels ranging in size from .37 to .40 acres. The applicant proposes to construct a three-family residence with three accessory apartments on each of the five lots. Multiple variances are required for each lot. The variances were previously granted.

North side of Cedar Lane, west side of Crown Road

### 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:

***\*Disapprove***

This department has issued comments on the proposed five-lot subdivision and the variances required to implement it in three separate GML reviews since December of 2014. We have repeatedly cautioned the Town against allowing the creation of these undersized, non-conforming parcels to be developed at the maximum residential density. The minimum lot area requirement in the R-15C zoning district ranges from 10,000 SF for semi-attached one-, two- and three-family residences to 15,000 SF for detached one-, two- and three-family residences. The subject 1.12-acre assemblage can yield four conforming 10,000 SF lots or three conforming 15,000 SF lots. The applicant is proposing five lots, all of which are undersized. Four semi-attached three-family residences with three accessory apartments are proposed on lots ranging from 8,002 to 9,917 SF. A detached three-family residence with three accessory apartments is proposed on a 12,630 SF lot. Development coverage variances ranging from 5 to 42 percent are required for four of the five lots. The floor area ratio of each semi-attached residential building exceeds the permitted maximum of .90. Front yard and front setback variances are required for all of the lots. One lot will not have frontage on a public street.

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 ability of the existing infrastructure to

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accommodate increased residential density on non-conforming, undersized lots 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 proposed subdivision and subsequent residential development will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The number of lots must be reduced, as well as the number of residential units. A proposal that more closely conforms to the R-15C bulk requirements must be presented for review.

We offer the following additional comments on the proposed subdivision.

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 190 feet northeast 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.

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.

3 The applicant must comply with the conditions of the Rockland County Department of Health's letter of January 22, 2018.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of January 24, 2018.

5 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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7 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.

8 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.

9 While easements are now indicated for ingress and egress, the play area and utilities, it does not appear that appropriate lot area deductions have been calculated for the easement areas. The roadway that is proposed through this residential development comprises more than 6,900 SF. This land area must not be included in the minimum lot area calculations for the proposed lots. We believe the extent of the lot area variances is understated, further exacerbating our concerns about the overutilization of this site. We continue to recommend that fewer lots be permitted.

10 The List of Drawings chart on the Title Sheet must be revised to reflect the correct revision dates. Only the Title Sheet has a February 10, 2017 revision date so it is unclear what was revised. Drawing No. 3 (Layout Plan) has a revision date of July 27, 2015 specifying lot line changes and revisions to Building 1. The lot line changes are not apparent but all of the semi-attached buildings have been reconfigured with building footprints extending an additional five feet. However, the floor area ratio for these structures has not changed. This seems unlikely. The total floor area of each building must be updated on the drawings, and an FAR calculation provided. We believe the FAR for these buildings will increase as a result of this change. Clarification must be provided about the revision dates, and the increased floor area.

11 No playground equipment, seating or other amenities are shown in the play area. A centrally located, well-equipped recreational space will enhance the proposed residential community. Appropriate equipment shall be provided in the play area.

12 The dumpster enclosures must be easily accessible to sanitation workers. Parked vehicles must not block access to the dumpsters.

13 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.

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

15 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

16 The applicant shall consider using pervious pavers in the parking areas to reduce the impervious surface area and extent of the variances required for development coverage.

17 It is unclear whether the approval for the variances granted on July 18, 2013 has also expired. This must be clarified. If another application must be made to the ZBA, a review will be required by this department as mandated by the New York State General Municipal Law. This is also true if additional variances are required, or if the magnitude of any variances increase as a result of revised net lot area calculations.

18 General Note 10 must be corrected to indicate that water will be supplied by SUEZ.

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19 The vicinity map must include a north arrow.

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.

  
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Douglas Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Leonard Jackson Associates  
Village of Kaser

6 - 8 Cedar Holdings, LLC

Mona Montal, Chief of Staff  
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.*

*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.*