

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 5, 2018

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

Tax Data: 56.15-3-39

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/18/2017

Date Review Received: 7/18/2018

Item: 7 **SUMMIT REALTY, LLC. (R-2570A)**

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, floor area ratio and deck rear setback to allow the construction of a two-family dwelling on .2478 acres in an R-15A zoning district.

West side of Summit Avenue, just south of Fred Eller Drive

Reason for Referral:

Monsey Glen County Park, NYS Thruway, Village of Airmont

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***

1 This parcel was previously reviewed in August 2016, and the Rockland County Planning Department raised some major concerns with the proposed development, and recommended disapproval. The subject site is located within an R-15A zoning district, a medium density residential district. The residential uses permitted by right in this zone include detached and semi-attached single-family residences, as well as detached two-family residences. Accessory apartments are also permitted. A minimum lot area of 15,000 SF is required for detached, single-family dwellings; semi-attached, single-family dwellings require a minimum lot area of 10,000 SF; and a minimum lot area of 20,000 SF is needed for detached, two-family dwellings.

The applicant is proposing to construct a two-family dwelling with only 54 percent of the required lot area available. Additional non-conformities include lot width and street frontage which are deficient by 28 percent. The proposed building will require a floor area ratio variance of almost 83 percent. Yard and setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that results in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While two-family residences

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are permitted as of right in the R-15A zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. Given the number and magnitude of the variances required to implement this proposal, and the land use precedent that will be set, we recommend that the variances sought be denied, and that only a single-family dwelling be permitted.

2 As noted above, this parcel was previously reviewed in August 2016, and our recommendation was to disapprove the proposal, citing an overdevelopment of the site. The current residential structure is exactly the same size as in the previous submission, despite the fact that fewer units are proposed. The elimination of the accessory apartment should result in a smaller structure, a reduced floor area ratio and more closely complying yards and setbacks. The development coverage should decrease as a result of the reduced number of parking spaces. An explanation must be provided as to why the magnitude of the required variances has not decreased.

3 As noted above, 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 maximum floor area ratio variance that is 82.5% greater than permitted. 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 following comments address our additional concerns about this proposal.

4 The applicant must satisfactorily address the concerns raised in the Rockland County Division of Environmental Resources' August 8, 2018 letter.

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

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

8 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.

9 An updated review of the June 18, 2017 site plan must be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's August 22, 2016 letter.

10 A review shall be completed by the New York State Thruway Authority, and any required permits obtained.

11 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 445 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

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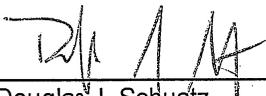
12 It will difficult for vehicles parked in spaces 1 and 4 to maneuver out of the spots. A turnaround area must be provided. The proximity of the staircases is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending either staircase will walk directly behind a parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.

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

14 The required rear setback is listed incorrectly in the narrative. This must be corrected.

15 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.

16 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 Michael B. Specht, Ramapo
Rockland County Division of Environmental Resources
New York State Thruway Authority
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 Airmont

7 Summit Realty 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.*

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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.