

**DEPARTMENT OF PLANNING**

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

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

October 26, 2018

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

**Tax Data:** 56.14-3-9

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

**Map Date:** 7/30/2018

**Date Review Received:** 8/30/2018

**Item:** *YEHUDA FRANK (R-2276A)*

Variations for lot area, floor area ratio and parking in the front yard to permit the construction of a two-family dwelling on .2582 gross acres (.2509 net acres) in an R-15 zoning district.  
East side of South Remsen Avenue, approximately 465 feet south of Route 59

**Reason for Referral:**

NYS Route 59, NYS Thruway

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 The subject site does not meet the minimum lot area standard of 15,000 SF required for the existing single-family residence. The applicant is proposing to construct a two-family residence with less than 55 percent of the required lot area available. The proposed building will require a floor area ratio variance of 100 percent. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result 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 and infrastructure capacity. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied.

**YEHUDA FRANK (R-2276A)**

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) 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 net lot area of the subject site is 10,931 SF or 45 percent smaller than the 20,000 SF minimum lot area required for two-family residences in the R-15 zoning district. The lot width and street frontage are also nonconforming, as they do not meet the 125-foot standard. As noted above, the parcel does not meet the 15,000 SF minimum lot area requirement for the existing single-family use. The applicant is proposing to double the residential density in a structure that will require a 100 percent increase over the maximum permitted floor area ratio. We consider this excessive. Given that this site benefits from the application of Section 376-131.D.(1), we recommend that the building footprint be reduced to more closely conform to the applicable standards, and that only a single-family dwelling be permitted.

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. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels, nonconforming 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 proposal must be scaled back to conform with the R-15 bulk standards and Section 376-131.D.(1).

The following comments address our additional concerns about this proposal.

4 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.

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

6 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.

7 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 local streets for fire trucks, in the event an emergency arises.

8 The on-site parking requirement of two spaces per unit is achieved but a turnaround area is not provided. It will be difficult for vehicles to exit the two eastern parking spaces given the proximity of the residential structure. Vehicles will have to reverse onto South Remsen Avenue. This department has reviewed several similar applications for properties in this neighborhood. A number of these applications have also required parking variances. It is likely that many residents and visitors will park on local streets, thereby creating visibility issues for drivers backing out of their driveways. Curbside parking will also impede fire and emergency vehicle access on local streets. A turnaround area must be provided, so that vehicles do not have to back out and all parking can be safely contained on site.

9 All proposed building features including window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site, and that safe pedestrian access is achieved.

10 General Note 8 must be corrected to specify Section 239 L & M of the General Municipal Law as this is an application for variances, not a subdivision.

**YEHUDA FRANK (R-2276A)**

11 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.

12 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 J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
New York State Department of Transportation  
New York State Thruway Authority  
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

John R. Atzl

Yehuda & Gila Frank/Wales Corley Roseland Co.

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.*

