



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Pomona, New York 10970

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

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

April 23, 2018

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

**Tax Data:** 49.19-5-15

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

**Map Date:** 2/6/2018

**Date Review Received:** 3/19/2018

**Item:** *CHAYA GRODZINSKY/4 DUNHILL LANE (R-2581A)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, maximum development coverage, floor area ratio and deck rear setback to allow an addition to and the conversion of a single-family dwelling to a two-family dwelling with an accessory apartment on .347 acres in an R-15a zoning district.

East side of Dunhill Lane, approximately 115 feet south of Carlton Road

### Reason for Referral:

Village of Kaser, 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:

***\*Disapprove***

1 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. At 15,115 SF, the subject site meets the minimum lot area requirement for both a detached or semi-attached, single-family dwelling in the R-15A zoning district; an accessory apartment is allowed as well.

The applicant is proposing a detached, two-family dwelling with one accessory apartment on a parcel with only 76 percent of the required lot area available. Additional non-conformities include lot width and street frontage. The proposed building will require a floor area ratio variance of almost 88 percent. Numerous yard and setback variances are necessary to accommodate an oversized residential building on an undersized parcel. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community

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character and infrastructure capacity. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While detached, two-family residences are permitted as of right in the R-15A zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards.

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 ability of the existing infrastructure to accommodate increased residential density on undersized, 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. We recommend that the required variances be denied.

3 As noted above, the applicant is seeking an 87.5 percent increase over the maximum permitted floor area ratio. The addition is massive, oddly-shaped and overshadows the existing structure. A more than fourfold increase in floor area is proposed. This very large structure is not in keeping with the surrounding residential development. Granting this variance will set a land use precedent and change the community character of this neighborhood. The proposed addition must be scaled back. The building footprint and number of units must be reduced to more closely comply with the R-15A bulk standards.

The following comments address our additional concerns about this proposal.

4 The proposed parking configuration is awkward and potentially dangerous. A sharp left turn will be required from the driveway to access spaces 1 and 2. Vehicles reversing out of spaces 1 and 2 will be executing turning maneuvers at the driveway entrance. A vehicle parked in space 3 cannot reverse straight back due to the layout of the paved area. Since no turnaround area is provided, several turning maneuvers will be required to exit this space. The existing concrete walk leads directly behind space 3 raising concerns about pedestrian safety. Vehicles in spaces 4 and 5 will have to back straight out to Dunhill Lane, or execute a K-turn at the point where the walkway meets the parking area, creating another unsafe condition. The large number and scope of the requested variances, along with the challenges presented by the proposed parking layout, suggest a general overdevelopment of the site. In order to bring the use of the property more in line with its capacity to be developed, the number of units must be reduced, as well as the building footprint.

5 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.

6 An updated review of the February 6, 2018 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 #1's letter of November 28, 2016.

7 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 380 feet east and 400 feet north of the subject property. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Ramapo.

8 A review shall be done by the New York State Department of Transportation, and any required permits obtained.

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9 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.

10 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.

11 All proposed building entrances, exterior stairways, decks, window wells and walkways must be illustrated on the site plan demonstrating that they will not impact yard requirements or parking maneuverability on the site.

12 Additional information must be provided about the accessory apartment so it can be determined if it complies with the requirements of Section 376-65.

13 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

14 The February 11, 2016 map depicted an irregular shape with a circle in the middle. It overlapped space 1 and was west of the concrete walk. The irregular shape has been eliminated from the current map but the circle remains. An explanation must be provided as to what the circle represents.

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

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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
New York State Department of Transportation  
Rockland County Department of Health

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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

Chaya Grodzinsky

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.*