

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

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

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

June 8, 2018

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

**Tax Data:** 56.14-3-4

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

**Map Date:** 1/30/2018

**Date Review Received:** 4/17/2018

**Item: ISRAEL SCHIFF/16 SOUTH REMSEN STREET (R-2645)**

Variances for lot area, lot width, side setback, total side setback, side yard, rear yard, rear setback, street frontage, deck rear setback and number of units per acre to permit the construction of a four-family dwelling on .242 gross acres (.234 net acres) in an MR-12 zoning district.

West side of South Remsen Street, approximately 375 feet south of Route 59

**Reason for Referral:**

NYS Thruway, NYS Route 59, 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 While the subject site is located within an MR-12 zoning district, the Town's 2004 Comprehensive Plan envisioned the redevelopment of the adjacent self-storage property which is more than six acres. The three smaller parcels located in this MR-12 zone were likely intended to become part of a larger assemblage, and not to be developed individually given their insufficient lot area. The net lot area of this parcel is .234 acres or less than six percent of the minimum lot area requirement in this zone. Additional non-conformities include lot width and street frontage which are both nearly 47 percent deficient. The proposed structure requires multiple yard and setback variances. The maximum residential density is exceeded by almost 43 percent. The number and magnitude of the variances required for this proposal are a clear indication that it will result in an overutilization of the site. The MR-12 zoning district requires a minimum lot area of four acres. A parcel with a net lot area of just over 10,000 SF is not appropriate for multi-family housing. As noted above, this lot and Lots 56.14-3-1 and 3 were expected to be combined with Lot 56.14-3-2 in order to develop a conforming multi-family housing project. We recommend that the variances not be granted.

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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 ability of the existing infrastructure to accommodate increased residential density on undersized and 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. A multi-family residence shall not be permitted on this very undersized parcel.

The following comments address our additional concerns about this proposal.

3 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

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 Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 All proposed exterior staircases, building entrances, 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.

9 It will difficult for a vehicle parked in space 4 or 5 to maneuver out of the space without a turnaround area. No walkways, exterior staircases or building entrances are shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the walkways, staircases and entrances must be illustrated on the site plan so that safety issues can be properly evaluated.

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

11 Pursuant to Section 376-71.A, no vehicle shall be parked or stored in any required yard or fire lane except as permitted by Section 376-51(D). Since the site is not located in an R-15, R-15A, R-15C or R-15 MR zoning district, a variance is required to allow parking in the front yard. This variance is not indicated as required in any of the application materials or the Town of Ramapo Building, Planning and Zoning Department's March 9, 2018 denial letter. This omission must be corrected. In addition, the public hearing notice must be reissued if it did not contain all necessary variances.

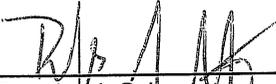
12 The site plan shall contain map notes that list all appropriate information, including the district details.

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13 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.

14 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.

15 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 Thruway Authority  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Tallman Fire District  
  
Anthony R. Celentano P.L.S.  
Village of Airmont

Israel Schiff

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.*

