

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 25, 2018

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

Tax Data: 56.07-4-55

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

Map Date: 4/11/2018

Date Review Received: 5/25/2018

Item: *MOTTY WALDMAN/182 BLAUVELT ROAD (R-2157B)*

A three-family dwelling with three accessory apartments is proposed on .2271 acres in an R-15C zoning district. Variances were previously granted for front setback, front yard, side setback, total side setback, rear setback, deck rear setback, maximum development coverage and floor area ratio. Additional variances are now requested for maximum building height and floor area ratio.
East side of Blauvelt Road, 150 feet south of Manor Drive

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 This department issued comments on the variances originally requested for the proposed three-family dwelling with three accessory apartments in October of 2016. At that time, we recommended that the building footprint and the number of units be reduced to more closely comply with the R-15C bulk requirements. The applicant is now proposing to increase the height and floor area of the building. A 12.5 percent variance is sought for building height. The original building was to be 31.25 feet high; the current proposal is for 45 feet. This represents a 44 percent increase. A floor area ratio variance of over 43 percent is now required. Due to the higher elevation of the subject site, the visual impact of this massive structure will be significant when viewed from Route 306 and Kaser. This department considers these variances to be excessive, and recommends that they be denied.

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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 applicant was granted a 40 percent increase over the maximum permitted development coverage and a 10 percent increase over the maximum allowable floor area ratio, as well as several yard and setback variances. As noted above, an increased building height and floor area ratio are now proposed requiring additional variances. The ability of the existing infrastructure to accommodate increased residential density in oversized structures on 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. We continue to recommend that the building footprint and number of units be reduced, and further opine that a height variance and increased floor area ratio be denied.

3 Pre-existing, non-conforming lots are given special consideration under Section 376-131 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 subject site is 9,893 SF or 34 percent smaller than the 15,000 minimum lot area required for new three-family residences on conforming lots in the R-15C zoning district. This department is not in favor of new construction projects that do not meet the bulk standards of the zone in which they are proposed. Given that this site benefits from the application of Section 376-131, we recommend that the proposed 12,762 SF residential building be scaled back to meet the generous yard and setback standards, and to ensure that the maximum permitted development coverage is achieved. This can be accomplished by reducing the building footprint and the number of units.

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. As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code since the staircases are located closer than ten feet to the property line.

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 site for fire trucks, in the event an emergency arises.

8 It will difficult for vehicles parked in spaces 3 and 6 to maneuver out of the spaces without a turnaround area. No exterior stairways, building entrances or walkways 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 exterior stairways, building entrances and walkways must be illustrated on the site plan so that safety issues can be properly evaluated.

9 The location of the trash dumpster must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

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10 The Town of Ramapo Building, Planning and Zoning Department's April 20, 2018 denial letter only lists the FAR variance, it does not include the maximum building height variance. All application materials must be consistent. The public hearing notice will have to be reissued if it did not list both required variances.

11 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this, and the importance of doing so.

12 A scale must be provided on the vicinity map.

13 The bulk table shall be corrected to reflect the minimum lot width standard of 65 feet.

14 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.

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
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
Monsey Fire District

Anthony R. Celentano P.E.
Village of Kaser

Motty Waldman

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.*

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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.