



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 12, 2019

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

Tax Data: 56.11-3-59

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

Map Date: 6/19/2019

Date Review Received: 6/21/2019

Item: 91 GROVE, LLC. (R-2590A)

Variances to permit a Neighborhood House of Worship in an existing two-family dwelling with one accessory apartment on 0.41 acres in the R-15A zoning district. The variances requested include lot area, lot width, side setback, total side setback, rear setback, rear setback deck, street frontage, development coverage, floor area ratio, and parking stall dimension.

South side of Grove Street, approximately 620 feet east of Remsen Avenue

Reason for Referral:

NYS Route 59

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 Our department has previously disapproved the application in our letter dated April 20, 2017 for variances to construct just a two-family residence. The applicant is now requesting even more intense uses on a substandard lot which will further exacerbate the overutilization of the size.

The subject site does not meet the minimum lot area standard of 20,000 SF required for a two-family residence. Additional non-conformities include lot width and street frontage. The applicant is proposing a neighborhood house of worship in a two-family residence with only 52 percent of the required lot area available. The proposed building will require a floor area ratio variance of almost 138 percent. Additional 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 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. Town officials have previously expressed concern to this department about the increasing

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traffic congestion along the Route 59 corridor. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Zoning Board of Appeals overrides our GML recommendations by granting variances to allow increased residential density on undersized lots such as the subject site. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and putting the walking population at greater risk.

While community houses of worship and two-family residences 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. We recommend that the required variances be denied, the house of worship use not be permitted, and the size of the residential building reduced.

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 more intensive uses on undersized 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.

3 This neighborhood is characterized by similar lot sizes and residential structures. The applicant is proposing a neighborhood house of worship in a two-family dwelling with a floor area ratio that is approximately 138 percent greater than the permitted maximum. Granting a variance of this magnitude will undermine the integrity of the zoning ordinance. It will also set a precedent for nearby property owners to seek similar relief, thereby changing the character of this residential neighborhood. The Town of Ramapo must evaluate this proposal as it relates to the surrounding community, as well as the precedent that can be set. The proposal is oversized, and out of context in this predominantly single-family neighborhood. The building footprint must be scaled back, and the number of uses reduced so as to conform to the R-15A bulk standard for floor area ratio. The proposed floor area ratio shall not be permitted.

4 The applicant is also seeking a variance for development coverage that is 36 percent greater than what is permitted. This does not fit in with the predominantly single-family residences that make up the majority of the community. The development coverage percent must be reduced in size so it better complies with the bulk standards of the R-15A zoning district. In addition, the applicant must install pervious materials where possible to help reduce the development coverage ratio. The proposed development coverage shall not be permitted.

The following comments address our additional concerns about this proposal.

5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of July 1, 2019.

6 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of July 5, 2019.

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

8 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.

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

10 It will difficult for vehicles parked in space 7 to maneuver out of the spaces without a turnaround area. A turnaround area must be provided so that vehicles may safely back out of the parking space.

11 It must be clarified, and illustrated as such, if stairs are to be provided to the proposed deck. The plans must illustrate how access will be obtained.

12 The handicapped parking space must be labeled as such.

13 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will provide specific locations on the site for the snow piles and will reduce the use of parking spaces meant for the patrons of the house of worship.

14 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

15 The actual building height must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.

16 The bulk table states the rear setback will be 20 feet whereas the layout indicates this will be 26 feet. Also, the bulk table provides a 10 foot rear deck setback while the layout shows this will be 14 feet. This should be corrected so all materials remain correct and consistent. Should the bulk table be incorrect, new variances must be sought. If a new variance is required for these two requirements, a revised ZBA application must be referred to this department for review as mandated by the New York State General Municipal Law. In addition, if a public hearing notice was sent out with incorrect information, a new one must be issued with the correct variances.

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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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Anthony R. Celentano P.E.

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.