

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 14, 2019

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

Tax Data: 56.08-5-55

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

Map Date: 8/28/2018

Date Review Received: 11/21/2018

Item: *USHER BRECHER/14 MAPLE LEAF ROAD (R-1694A)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to permit an addition to and the conversion of a two-family dwelling to a three-family dwelling with three accessory apartments. The .2817-acre site is in an R-15C zoning district.

North side of Maple Leaf Road, approximately 190 feet west of Roman Boulevard

Reason for Referral:

Villages of Spring Valley and Kaser

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 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 subject site is deficient in meeting the minimum lot area and lot width requirements. The applicant is seeking additional yard and setback variances to construct a large addition to the existing residential structure. The development coverage exceeds the permitted maximum by 30 percent. The ability of the existing infrastructure to accommodate increased residential density 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. The proposed addition and the number of residential units must be reduced to more closely comply with the R-15C bulk requirements.

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2 The addition is labeled as a one-family with three accessory apartments on the site plan; the existing structure is labeled as a two-family dwelling. This unit configuration does not comply with Section 376-65. We believe a use variance is required for the second and third accessory unit. This must be clarified. If a use variance is required, another review by this department will be required, as mandated under the New York State General Municipal Law.

The following comments address our additional concerns about this proposal.

3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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

5 The Villages of Spring Valley and Kaser are the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is approximately 215 feet south of the site; the Kaser municipal border is approximately 345 feet west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Villages of Spring Valley and Kaser must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. As shown, the residential structure will require a variance from the New York State Uniform Fire Prevention and Building Code since it is located closer than ten feet to the eastern property line.

7 The applicant must satisfactorily address the 18 comments contained in the Town of Ramapo Fire Inspector's September 10, 2018 memorandum.

8 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.

9 Given the footprint of the proposed addition, we believe the floor area ratio might be understated. The gross floor area must be provided; a floor area ratio calculation must be indicated on the map.

10 All proposed building entrances, exterior stairways, 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. An existing walkway is shown on the east side of the building that does not connect to the parking area or street; it abruptly ends in the front yard. This walkway must provide a complete pedestrian connection .

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

12 An access aisle appears to be provided to the north of space 6. If this is intended as a handicapped parking space, it must be so labeled. If it is not, the purpose of the crosshatched area must be explained.

13 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space 6. The dumpster enclosure must be moved to a more accessible location.

14 Parking spaces 1 and 4 are located within the shade tree easement. All required on-site parking must be located beyond the easement area. This is another indication that the proposal will result in an overutilization of the site and must be scaled back to more closely conform to the R-15C bulk standards.

15 The September 10, 2018 denial letter from the Town of Ramapo's Building, Planning and Zoning Department notes that a shed is within eight feet of the residential structure and ten feet of the deck, and must be removed. Fence encroachments are also indicated to be removed. The parking spaces within the five-foot shade tree easement are noted. The building inspector points out that the scope of work is incorrect. A three-family dwelling with three accessory apartments is proposed. The map is mislabeled as a "Proposed One-Family Plus Three Accessory Apartments For Brecher." These issues must be satisfactorily addressed.

16 The site plan does not contain a north arrow (only the vicinity map does) or any map notes that list all appropriate information, including the district details. These features must be added to the site plan. The subject site must be centered on the vicinity map.

17 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.

18 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.

19 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

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New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Villages of Spring Valley and Kaser

Usher Brecher

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.