

**DEPARTMENT OF PLANNING**

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

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

March 13, 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:** 1/24/2019

**Date Review Received:** 1/31/2019

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

Variances for 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. This non-conforming lot is subject to Section 376-131.D.

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***

On January 14, 2019, this department recommended disapproval of the variances required for an earlier version of this proposal. At that time, the R-15C bulk standards for Use Group x.1 were applied rather than the standards for noncomplying lots contained in Section 376-131.D. While the relaxed bulk standards for noncomplying lots result in fewer required variances, the applicant is proposing a much larger structure with a bigger building footprint. The variance required for development coverage has increased from 30 percent over the permitted maximum to 44 percent. This is unacceptable and must not be permitted.

1 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) 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 12,273 SF or 18 percent smaller than the 15,000 SF minimum lot area required for detached, three-family residences in the R-15C zoning district. Given that this site benefits from the application of Section 376-131.D.(1), the proposed building footprint and the number of units shall be reduced to more closely comply with the requisite standards.

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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. As noted above, a massive addition is proposed to convert a two-family dwelling to a three-family dwelling with three accessory units. Yard and setback variances are required for the oversized structure. The development coverage exceeds the permitted maximum by 44 percent due to the large building footprint and additional parking spaces. The ability of the existing infrastructure to accommodate increased residential density on noncomplying 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.

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 The applicant must comply with the conditions of the Rockland County Sewer District #1's January 23, 2019 letter.

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 size of the building footprint of the proposed structure, 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.

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- 10 All proposed building entrances, exterior stairways, decks, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard or setback requirements, or increase the development coverage. These building features shall not affect parking maneuverability for the site.
- 11 A development coverage and floor area ratio calculation must be provided so their accuracy can be verified.
- 12 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 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. All building entrances, exterior stairways or walkways must be illustrated on the site plan so that safety issues can be properly evaluated.
- 13 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.
- 14 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 1 and 2. The dumpster enclosure must be moved to a more accessible location.
- 15 The site plan must contain map notes that list all appropriate information, including the district details.
- 16 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.

  
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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 State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District

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

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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.*