

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 5, 2019

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

Tax Data: 56.11-2-60

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

Map Date: 12/12/2018

Date Review Received: 4/30/2019

Item: JOSEPH & SHIFRA COHEN - 9 GROVE STREET (R-2695)

A variance application to allow the construction of a two-family residence with one accessory apartment on 0.15 acres in the R-15A zoning district. Variances are requested for lot area, lot width, front yard, front setback, side setback, total side setback, rear setback, street frontage, development coverage, floor area ratio, and rear deck setback.

The southern side of Grove Street, approximately 210 feet west of Main Street.

Reason for Referral:

Main Street (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 The subject site is located within an R-15A zoning district, a medium density residential district. The residential uses permitted by right in this zone include detached and semi-attached single-family residences, as well as detached two-family residences. Accessory apartments are also permitted. A minimum lot area of 15,000 SF is required for detached, single-family dwellings; semi-attached, single-family dwellings require a minimum lot area of 10,000 SF; and a minimum lot area of 20,000 SF is needed for detached, two-family dwellings.

The subject site does not meet the minimum lot area standard of 15,000 SF required for the existing single-family residence. The applicant is proposing to construct a two-family residence plus an accessory apartment with only 34 percent of the required lot area provided. Additional non-conformities include lot width and street frontage. The proposed building will require substantial variances 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 or tripling 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 local streets and the nearby state highway. The potential for traffic conflicts is great. Town officials have previously expressed

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concern to this department about the increasing traffic congestion along the Route 306 corridor. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Zoning Board of Appeals frequently 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 putting the walking population at greater risk.

While two-family residences with an accessory unit 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. The required variances must be denied and only a single-family dwelling be permitted.

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 proposed lot area is 34% of the required minimum. Lot width and street frontage are deficient by 55% and 51%, respectively. The front yard and front setback are only 71% compliant. The side, total side, and rear setbacks are deficient by 50%, 60%, and 29%, respectively. The maximum development coverage exceeds the Town standard by 18% and the proposed floor area ratio is 63% more than allowed. The ability of the existing infrastructure to accommodate increased residential density on undersized, nonconforming 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. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal.

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

4 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.

5 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, decks, and window wells must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes.

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 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 or increase the development coverage. Parking maneuverability shall not be affected by the location of these features.

9 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

10 The driveway access is unnecessarily wide at 27 feet. A vehicle parked in space 5 will reverse directly into the site access. This is a dangerous arrangement. The width of the driveway access must be reduced.

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11 The parking layout is very constrained. No turnaround area is provided so several turning maneuvers will be required to exit the spaces. Drivers may chose to reverse directly onto Grove Street creating an unsafe situation. Parking space 4 is particularly challenging as a driver will have to exit behind the immediately proximate cars parked in spaces 1, 2 and 3. The catty-corner arrangement of spaces 3 and 4 is also unsafe. It increases the likelihood of traffic conflicts, particularly between larger vehicles. The configuration of this parking area is a clear indication that too many units are proposed. Fewer units will require less parking spaces resulting in a safer layout.

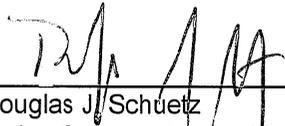
12 The refuse containment area must be illustrated on the site plan. Access to this area shall be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

13 The site plan shall contain map notes, including district information. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

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
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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.*

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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.