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 22, 2019

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

Tax Data: 49.19-7-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/18/2018 **Date Review Received:** 7/1/2019

Item: ***CONGREGATION BETH DAVID/185 ROUTE 306 (R-2677A)***

Variances to permit the construction of a three-family dwelling with three accessory apartments on .2294 acres in an R-15C zoning district. The variances requested include lot area, front setback (Route 306 and Cedar Lane), front yard (Route 306 and Cedar Lane), side setback, rear setback, maximum development coverage, and parking for more than four cars less than 75 feet to an intersection.
Southwest corner of Cedar Lane and Route 306

Reason for Referral:

NYS Route 306, Villages of Kaser and Spring Valley

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 applicant is seeking a variance of more than 30 percent for minimum lot area, as well as a 20 percent variance for maximum development coverage. Yard and setback variances are also required. 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. This site has frontage along NYS Route 306, and the traffic generated by six additional households will contribute to the existing congestion on the state highway. The Town must consider the cumulative and regional impacts of permitting such development. The building footprint and the number of units must be reduced to more closely comply with the R-15C bulk standards.

The following comments address our additional concerns about this proposal.

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2 A net lot area calculation must be included on the ZBA plan. We believe the minimum lot area provided is understated because it includes the land area within the designated street line. This amounts to more than 1,800 SF and will affect both the development coverage and floor area ratio calculations. An additional variance may be required for floor area ratio, and the magnitude of the development coverage will likely increase.

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 An updated review must be completed by the Rockland County Sewer District No. 1, and all required permits obtained. In addition, the applicant must comply with all comments made by the Sewer District No. 1 in their February 15, 2019 letter.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 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.

7 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 requirements and parking maneuverability for the site.

8 The Building Inspector's November 5, 2018 denial letter indicates that the front setback and front yard on the Route 306 frontage are measured to decks. The ZBA Plan is underlain by existing conditions with many overlapping lines. Since the decks are not labeled on the map, it is not possible to determine how many are proposed or their exact location. A separate existing conditions map must be provided. All proposed building features must be clearly identified on the ZBA Plan.

9 Given that the square footage of the building footprint is 3,123.25 SF and it is likely a three-story structure, we believe the provided floor area ratio of .90 is understated in the bulk table. The number of stories must be indicated on the drawing, and a floor area ratio calculation provided. If the floor area ratio exceeds .90, a new ZBA application is required. An updated public hearing notice that includes all necessary variances will have to be issued.

10 The bulk table indicates that a side setback variance is required. This variance is not specified in the October 18, 2018 project narrative or the Building Inspector's November 5, 2018 denial letter. All application materials must be consistent. The need for a side setback variance must be verified. If it is required, the public hearing notice will have to be revised to include all variances, and reissued.

11 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

12 The handicapped parking spaces must be labeled as such.

13 The vicinity map must include a scale and a north arrow. The subject site must be centered on the map.

14 General Note 1 must be revised to reflect the correct tax lot identification number. The subject site is 49.19-7-2, not 12 as indicated in the map note.

15 General Note 9 must be corrected to reflect Sections L & M of the General Municipal as this is an application for variances not a subdivision.

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16 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.

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
Monsey Fire District
New York State Department of State
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

Civil Tec Engineering & Surveying PC
Villages of Kaser and Spring Valley

Congregation Beth David

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.