

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**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:** 49.20-3-24

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 7/2/2017

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

**Item:** **CONGREGATION BNEI ISRAEL OF MONSEY (R-2683)**

Variances to permit the construction of a three family dwelling with three accessory apartments located in the R-15C zoning district on .26 acres. Required variances include: total side setback, rear setback, maximum development coverage, floor area ratio, and deck rear setback.

South side of Francis Place, approximately 608 feet west of Ronald Drive

**Reason for Referral:**

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 maximum development coverage is exceeded by 30% and the very generous floor area ratio is 20% greater than permitted. In addition, the rear setback and rear deck setback are deficient by 50% and the total side setback is only 61.5% compliant. 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.

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2 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 11,250 SF or 25 percent smaller than the 15,000 SF minimum lot area required for new three-family residences in the R-15C zoning district. Given that this site benefits from the application of Section 376-131.D(1), the size of the building and/or the number of units must be reduced so that no variances are required.

The following recommendations address our additional concerns about the requested variances.

3 It will difficult for a vehicle parked in spaces #1 or #6 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would 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 the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

4 All proposed sidewalks, stairs, entrances, window wells and dumpster/refuse containment areas must be shown on the map to demonstrate that there is sufficient access to the building for firefighting purposes and to ensure that they will not impact yard requirements or parking maneuverability for the site.

5 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.

6 The site plan shall include map notes that list all appropriate information, including the district details. In addition, the subject parcel on the vicinity map must be centered so that the surrounding neighborhood can be evaluated.

7 A grading, utility, and drainage plan must be provided. In addition, a soil and erosion plan must also be provided.

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

9 The Villages of Kaser and Spring Valley are the reasons this proposal was referred to this department for review. The municipal boundary for the Village of Kaser is 460 feet west of the site, and the Village of Spring Valley boundary is approximately 177 feet north 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 county-wide 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 which is supportive of the goals and objectives of the general area.

The Villages of Kaser and Spring Valley 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 these villages must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

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

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12 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.

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

14 To help reduce the extent of the development coverage variance required for the site, pervious pavers and/or other porous materials must be used wherever possible.

15 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.

16 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.

17 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 State  
Monsey Fire District

Anthony R. Celentano P.E.  
Villages of Kaser & Spring Valley

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.*

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*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.*