

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

August 29, 2019

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

Tax Data: 49.20-2-42

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

Map Date: 7/11/2019

Date Review Received: 8/9/2019

Item: *MICHAEL & MIRL FLEISCHER/1 FRANCIS PLACE (R-2698)*

Variations to permit a two-lot subdivision with a three-family dwelling and two accessory apartments on each lot. The parcel is located on 0.7513 acres in the R-15C zoning district. The variations required for Lot #1 include front yard (Francis Place & Ida Road), front setback (Francis Place & Ida Road), side yard, development coverage, floor area ratio, and less than 75 feet from a parking area to an intersection. The variations needed for Lot #2 include front yard (Francis Place), front setback (Francis Place), side yard, and less than 75 feet from a parking area to an intersection.

South side of Ida Road, west side of Francis Place, north side of Suzanne Drive

Reason for Referral:

Village of 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:

****Recommend the following modifications***

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 18% while the floor area ratio is exceeded by 11%. No side yard is provided where 10 feet is required. Variations for front yard and front setback are also needed for the proposed subdivision and development. The ability of the existing infrastructure to accommodate increased residential density in non-conforming structures 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 building footprints shall be reduced to more closely comply to the R-15C bulk standards.

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2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 195 feet northwest 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 Village of 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 Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 A review must be completed by the County of Rockland Drainage Agency, any comments addressed, and any required permits obtained.

4 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

5 A review must be completed by the County of Rockland Sewer District #1 and any required permits obtained.

6 All structures must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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 District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The Building Department's CDRC comments of July 9, 2019 do not indicate that a variance is required for floor area ratio for Lot #1. All application materials must be consistent. A new public hearing notice must be issued if the previous notice did not contain this information.

9 The floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

10 Six parking spaces are provided on each lot where only five are required. One space must be eliminated on each parcel to allow for an improved parking layout and less impervious surface.

11 It must be clarified what the striped areas in the parking lot represent. If these are access aisles for handicap parking spots, both must be labeled as such. In addition, paths and/or ramps that provide access to the entrances for handicapped residents must be provided and illustrated on the site plan. As it appears now, it will be difficult for a handicapped person to access a residential entrance if there is a car parked in one of the parking spaces located in front of the building, as no sidewalks are provided.

12 It will be difficult for a car parked in the southernmost parking spot on Lot #2 to maneuver out of the spot without a turnaround area. A turnaround area shall be provided so that vehicles may safely back out.

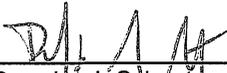
13 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

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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
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC
Village of Kaser

Mona Montal, Chief of Staff

**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.

