

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

February 27, 2019

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

Tax Data: 49.20-2-38

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

Map Date: 9/5/2018

Date Review Received: 1/9/2019

Item: *SOLOMON FRESHWATER/8 RITA AVENUE (R-2679)*

Variations for lot area, lot width (Jill Lane), front setback (Jill Lane and Rita Avenue), front yard (Jill Lane and Rita Avenue), side setback, rear setback, development coverage, deck rear setback and access for more than four parking spaces less than 75 feet from an intersection, to allow the construction of a three-family dwelling with three accessory apartments on .3309 acres in an R-15C zoning district.

East side of Rita Avenue, south side of Jill Lane

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 applicant is seeking a 30 percent increase over the maximum permitted development coverage, as well as multiple yard and setback variances. 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. The building footprint must be reduced so that the R-15C bulk standards are achieved. Fewer units will require less parking thereby reducing the development coverage.
- 2 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.
- 3 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

SOLOMON FRESHWATER/8 RITA AVENUE (R-2679)

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

5 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.

6 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along Jill Lane and Rita Ave, 50 feet north and 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 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.

7 While the subject site is close to conforming in terms of lot area, its corner location and narrow frontage along Jill Lane present some design challenges. We are not in favor of locating the driveway access and parking lot on Jill Lane. The deficient distance to the intersection raises safety and sight distance concerns. Vehicles traveling north on Rita Ave and turning right on Jill Lane will come upon the driveway access immediately. The potential for traffic conflicts with vehicles entering or exiting the driveway is great. Pedestrian safety is also compromised by the proximity of the site access to the intersection. The driveway access and parking shall be relocated on Rita Avenue at a sufficient distance from the intersection, thereby eliminating the need for a variance from Section 376-78A.

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 site development coverage. The magnitude of the required variances will likely be greater when these features are included. Their location can also affect parking maneuverability on the site.

9 It appears that the building entrances will be along the Rita Avenue frontage. Residents of the center and southern units will have a long walk from the parking lot. We are concerned that vehicles will stop on Rita Avenue to drop off passengers before proceeding to the parking lot. This will lead to traffic congestion, and an increased likelihood of vehicular and pedestrian accidents. The parking area must be centrally located on the site.

10 It will difficult for vehicles parked in spaces 3 or 4 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. In addition, the proximity of the dumpster enclosure is a concern as it restricts visibility and turning maneuvers. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and building entrances, exterior stairways and walkways must be illustrated on the site plan so that safety issues can be properly evaluated.

11 The metal shed shown on the site plan is straddling the eastern property line. It is unclear if it will be removed. The final disposition of the shed must be clarified.

SOLOMON FRESHWATER/8 RITA AVENUE (R-2679)

12 The bulk table, the October 9, 2018 project narrative and the November 7, 2018 Building Department denial letter indicate that the provided rear setback is 25 feet. However, a 20-foot rear setback is shown on drawing. All application materials must be consistent. The rear setback measurement must be confirmed. If the public hearing notice contained the wrong information, it must be revised and reissued.

13 A north arrow shall be provided on the vicinity map, and the correct parcel highlighted.

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
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Kaser

Solomon Freshwater

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.

SOLOMON FRESHWATER/8 RITA AVENUE (R-2679)

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.