

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 2, 2019

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

Tax Data: 49.19-6-14.1

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

Map Date: 10/31/2019

Date Review Received: 11/7/2019

Item: *CHAYA GRODZINSKY/7 CEDAR LANE (R-2574D)*

Variances to permit the construction of a three-family dwelling with three accessory apartments on 0.235 acres in the R-15C zoning district. The variances requested include floor area ratio and lot width for two additional accessory units. Variances were previously granted for front setback, front yard, rear setback, development coverage, deck rear setback, less than 50 percent attached and courtyard width.

South side of Cedar Lane, approximately 540 feet east of Dover Terrace

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:

****Disapprove***

1 When our department previously reviewed a variance application for this lot, a floor area ratio of 0.99 was proposed. Now, the applicant is seeking a floor area ratio variance for 1.09, a 10% increase over the previous application, and 21% greater than what is permitted. In addition, a lot width variance for the two additional accessory units is sought. Multiple variances have previously been acquired, including one that exceeded the allowed maximum development coverage by 27%. Variances for the front yard and front setback were also granted, and the rear setback and rear deck setback variances were deficient by 50%. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in other nearby property owners seeking the same relief. Permitting an oversized structure which does not conform to the requisite requirements will negatively impact the community character of the surrounding neighborhood. While a three-family semi-attached residence, with three accessory units, is permitted as of right in the R-15C zoning district, it is apparent, given the magnitude and number of variances required to implement the proposal, that this site is not suitable for the proposed development. We recommend that the variances requested be denied. The building footprint and the number of units must be reduced to more closely comply with the R-15C bulk standards.

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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 ability of the existing infrastructure to accommodate increased residential density in oversized 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 footprint and the number of units shall be reduced.

3 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject site is 65 feet. Therefore, one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

The following comments address our additional concerns about the proposal:

4 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 400 feet northeast of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

5 An updated review must be completed by the County of Rockland Department of Health, all comments and concerns addressed, and all required permits obtained.

6 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of November 21, 2019.

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

9 The last time our department reviewed a variance application for this lot, the site plan, dated October 24, 2017, showed the separation of each unit within the three-family dwelling. However, the lines that denoted the separation between units was omitted from the most recent site plan, dated October 31, 2019. The separation between units shall be shown on the site plan to allow for our department to more accurately assess the parcel.

10 There are inconsistencies between the measurements that appear on the site plan and the information provided in the bulk table. The front setback and front yard measurements of 34.5 feet on the site plan do not match the 33 feet provided in the bulk table for these requirements. In addition, the rear yard is shown as 10 feet on the site plan, however the bulk table states this measurement to be 5 feet. It must be clarified as to which values are correct, and the appropriate values must be fixed.

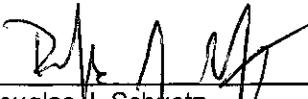
11 Our department reviewed the two-lot subdivision application creating this parcel on April 4, 2017. The variances required for the subdivision were reviewed on August 24, 2016. Since those previous submissions, the floor area ratio has increased by 0.19%. Inaccuracies and conflicting information throughout the site plan warrant that the development coverage and floor area ratio calculations be provided on the site plan so that their accuracy can be verified.

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- 12 The original subdivision proposal created one conforming parcel (Lot 1) and one non-conforming parcel that did not meet the minimum standards for lot area, lot width or street frontage. A three-family dwelling with one accessory unit is proposed on Lot 2. However, the on-site parking requirement of four spaces cannot be provided on this narrow, undersized parcel. The fourth space is provided on Lot 1 thereby increasing the development coverage on this parcel. All required parking must be provided on the lot on which the unit is located. Parking for Lot 2 must be removed from Lot 1.
- 13 It will difficult for a vehicle parked in spaces #5 or #10 to maneuver out of the space without a turnaround area. In addition, no building entrances or exterior stairs 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. A turnaround area must be provided; the building entrances and exterior stairs must be illustrated on the site plan so that safety issues can be properly evaluated.
- 14 It must be clarified as to what the striped area on the site plan represents. If it is for a handicapped parking space, the space must be labeled as such. Sidewalk connections from the space to the building shall be provided and illustrated on the site plan.
- 15 All proposed building entrances, exterior stairways, and window wells 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.
- 16 It will be difficult for sanitation workers to access the garbage area if a vehicle is parked in space #10. The garbage area must be moved to a more accessible location.
- 17 The site plan shows a tax map designation of 49.19-6-14 and a lot area of 17,358 SF for this parcel. These must be corrected to a tax map designation of 49.19-6-14.1 and a lot area of 10,257.
- 18 Two trees are show on the site plan to be located within the footprint of the building. A plan must be provided that shows the relocation or removal of these trees.
- 19 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.
- 20 The subject site must be centered on the vicinity map. Locating the parcel on the edge of a vicinity map defeats the purpose of providing one.
- 21 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.
- 22 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.

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23 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
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

Anthony R. Celentano P.E.
Village of Kaser

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.