



Rockland County

Ed Day, Rockland County Executive

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

December 2, 2019

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

Tax Data: 49.19-6-14.2

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-2574E)*

Variance for floor area ratio to permit the construction of a three-family dwelling with one accessory apartment located on 0.163 acres in the R-15C zoning district. Variances for lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage, rear setback deck, and less than 50% attached have previously been granted. A courtyard variance has also been granted. South side of Cedar Lane, approximately 65 feet west of Crown Road

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, multiple variances have previously been acquired, including one that exceeded the allowed maximum development coverage by 18%. Variances for front yard and front setback, with 29% deficiencies, were also granted. The rear setback and rear deck setback variances were deficient by 33% and 50%, respectively. The street frontage received a variance for being only 72% of the required bulk standard. Granting this bulk variance 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 residence, with one accessory unit, 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 variance 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.

The following comments address our additional concerns about this proposal:

3 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 425 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.

4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

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

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

8 The last time our department reviewed a variance application for this lot, the site plan, dated September 20, 2019, 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.

9 No topographical features, grading, or utilities are shown on the site plan. These must be included, as well as the adjacent building on the parcel to the east. It must be illustrated as to how the adjacent building relates to the proposed building, especially since they are attached and the parking for the proposed building is dependent on the adjacent parcel.

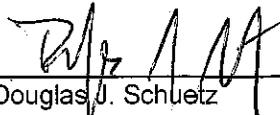
10 There are inconsistencies between the measurements that appear on the site plan and the information provided in the bulk table. The site plan shows a measurement of 33 feet to the building and 25 feet to a line that appears through the southern end of parking space #3. The bulk table states that the front yard and front setback is 25 feet. It must be clarified as to what the line the 25 foot measurement is taken from, as there is no legend on the site plan. If the 33 foot measurement is the correct front yard and front setback measurement, the bulk table must be corrected and updated. In addition, the site plan shows a measurement of 15 feet for the rear setback and 10 feet for the rear yard. The bulk table states the rear setback is 20 feet and the rear yard is 5 feet. It must be clarified which values are correct, and the proper measurements must be updated. If the 15 foot rear setback measurement is correct, a new variance will be required. We request the opportunity to review any new variances that may be needed, as required by New York State General Municipal Law.

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- 11 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 (Lot 2). Due to the non-conformity, the on-site parking requirement of four spaces cannot be provided on this narrow, undersized parcel. One of the four spaces are provided on Lot 1, thereby increasing the development coverage on that 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.
- 12 The development coverage and floor area ratio calculations shall be provided on the site plan so that their accuracy can be verified.
- 13 If the parking remains as it is laid out, a parking easement must be provided on the plans and recorded in the deed. It is recommended that specific spaces be designated to be used for tax lot 49.19-6-14.2.
- 14 It will difficult for a vehicle parked in space #3 to maneuver out of the space without a turnaround area. A turnaround area must be provided. In addition, no building entrances, window wells, 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. The building entrances, window wells, and exterior stairs must be illustrated on the site plan to demonstrate that they will not impact yard requirements or increase development coverage, and so that safety issues can be properly evaluated.
- 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 #3. The garbage area must be moved to a more accessible location.
- 17 The site plan incorrectly refers to tax lot 49.19-6-14. This shall be corrected to 49.19-6-14.2. In addition, the site plan incorrectly states the lot area is 17,358 SF. That is the combined area for Lots 1 and 2. This shall be corrected to state that the lot area for tax lot 49.19-6-14.2 is 7,101 SF.
- 18 A tree is shown 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 this tree.
- 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.