

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

July 12, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.14-3-14

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

Map Date: 6/18/2019

Date Review Received: 6/24/2019

Item: *GROUP CARE FACILITY/102 ECKERSON LANE (R-2682A)*

A site plan and special permit for the proposed conversion of a single-family dwelling into a family group care facility on 0.17 acres in the R-15 zoning district. Variances for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, street frontage, and development coverage have previously been granted.

South side of East Eckerson Road, approximately 150 feet west of Buena Vista Avenue

Reason for Referral:

East Eckerson Road (CR74)

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 By definition, special permit uses are subject to a higher standard of review. While variances have been granted, the subject site is deficient in achieving the bulk standards for its current single-family use; the lot area, lot width and street frontage are nonconforming. Yard and setback requirements are also not met. While similar sized parcels prevail in the surrounding neighborhood south of East Eckerson Road, detached, one-family residences are the predominant land use. The single-family neighborhood to the north of East Eckerson Road is characterized by conforming and oversized parcels.

Group care facilities require a minimum lot area of 40,000 SF, or almost three times the 15,000 SF lot area requirement for detached, single-family dwellings. The subject site is more than 81 percent deficient in this area. Substantially larger lot width and street frontage standards are also mandated for the proposed special permit use; only 31 percent of the lot width and 50 percent of the street frontage are achieved. This proposal undermines the integrity of the zoning ordinance; it will set a land use precedent that will dramatically alter the community character of the surrounding neighborhood.

Given the degree of non-conformity with the R-15 bulk requirements, we believe the proposed group care facility

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does not comply with the special permit standards and general conditions outlined in Section 376-120. The special permit required for this proposal shall not be granted as the facility cannot be adequately buffered, and will not be in harmony with the surrounding community character which is predominantly comprised of detached, single-family dwellings.

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 subject site achieves less than 19 percent of the required minimum lot area for a group care facility. The minimum lot width and street frontage are deficient by 69 and 50 percent respectively. Numerous yard and setback variances are required, and the maximum permitted development is exceeded by 45 percent. The ability of the existing infrastructure to accommodate group care facilities on undersized and nonconforming 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 special permit shall not be granted, as this parcel is deficient in meeting the bulk standards or special permit requirements for the proposed use.

The following comments address our additional concerns about this proposal.

3 The applicant must comply with all comments and concerns presented by the Rockland County Sewer District No. 1 in their letter of June 26, 2019.

4 The applicant must comply with all comments and concerns presented by the Rockland County Highway Department in their letter of July 3, 2019.

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

6 The proposed group care facility 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 Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The existing driveway is only nine feet wide and not level with the driveway to the west. We believe this driveway width is insufficient for larger, multi-passenger vehicles that might serve the group care facility, as well as emergency vehicles. This undersized, residential parcel, in an established single-family neighborhood, is inappropriate for a more intensive land use, including the proposed group care facility. The special permit shall not be granted.

9 The disposition of the concrete foundation that remains in the southwest corner of the site shall be clarified, as this area can serve as a turnaround space for a vehicle parked in space 5.

10 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

11 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

12 The actual building height provided must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.

13 Map note #15 must be completed.

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14 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

15 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 development coverage. Parking maneuverability shall not be affected by the location of these features.

16 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

17 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees.

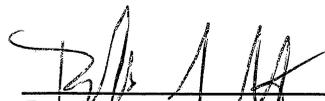
18 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

19 There shall be no net increase in the peak rate of discharge from the site at all design points.

20 Our records indicate that a variance for street frontage was not previously sought. If this variance has not been granted, one must be obtained and is subject to a review by this department as mandated by the New York State General Municipal Law.

21 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.

22 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 Highways
Rockland County Sewer District #1

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

Anthony R. Celentano P.E.
Town of Ramapo Planning Board
Rockland County Department of Social Services
M.A.D.E. Transitional Services
Peter Obe

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.