

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 30, 2019

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

Tax Data: 56.15-1-3

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

Map Date: 4/2/2019

Date Review Received: 4/17/2019

Item: *MALIK FAMILY TRUST/1 ROBERT ROAD (R-2686A)*

Variations for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, floor area ratio and rear deck setback to permit the construction of a two-family dwelling on .2388 acres in an R-15 zoning district.

East side of Robert Road, approximately 240 feet south of Route 59

Reason for Referral:

NYS Route 59

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 This department issued comments on an earlier version of this proposal on March 25, 2019. At that time we recommended that the variances be denied. The degree of non-conformity has increased in the current application so our disapproval still stands. The subject site does not meet the minimum lot area standard of 15,000 SF required for its existing single-family residence. The applicant is proposing to construct a two-family residence with only 52 percent of the required 20,000 SF available. Additional non-conformities include lot width and street frontage. The proposed building will now require a floor area ratio variance of 75 percent. Yard and setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The current plan requires additional variances for rear setback and deck rear setback, and increased variances for side setback and total side setback. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied, and only a single-family dwelling be permitted.

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2 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 10,401 SF or 48 percent smaller than the 20,000 SF minimum lot area required for a detached two-family residence in the R-15 zoning district. As noted above, the lot width and street frontage are also deficient. Given that this site benefits from the application of Section 376-131.D.(1), the building footprint shall be reduced, and only one unit permitted.

3 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 on undersized, 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 variances shall not be granted.

The following comments address our additional concerns about this proposal.

4 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

5 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.

6 The applicant shall comply with the conditions of the Rockland County Sewer District #1's March 22, 2019 letter.

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

8 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 access to the site for fire trucks, in the event an emergency arises.

9 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.

10 The development coverage calculation must be provided on the site plan so its accuracy can be verified.

11 While the building footprint has increased, the number of stories is not provided so it is not possible to determine the gross floor area or verify the floor area ratio. The calculation for floor area ratio must be indicated on site plan.

12 It will difficult for vehicles parked in spaces 2 or 4 to maneuver out of the spots without a turnaround area. The proximity of the staircases is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will have to walk around a parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the walkways must be provided so that pedestrians do not have to walk through the parking area.

13 A refuse containment area must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

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14 There is a discrepancy with the street name for Robert(s) Road. The filed map for the original subdivision specifies Robert Road. All of the application materials submitted for review indicate Robert Road. Neighborhood street signs exist for both Robert Road and Roberts Road. A Google search generates results for Robert Road and Roberts Road. The County GIS file has the road listed as Roberts Road. The Town must reaffirm the street name, and resolve the street sign inconsistency by a resolution, to avoid future confusion.

15 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.

16 The subject site shall be centered on the vicinity map.

17 A revision block shall be provided on the map with revision dates listed in chronological order.

18 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.

19 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
New York State Department of Transportation
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.E.

JLM Malek Family Irrevocable Grantor Trust

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.

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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.