



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Arlene R. Miller
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March 6, 2019

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

Tax Data: 56.08-2-31.4	56.08-2-32	56.08-2-31.3
56.08-2-31.2	56.08-2-31.1	

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

Map Date: 1/14/2019

Date Review Received: 1/25/2019

Item: *MAPLE ESTATES SUBDIVISION (R-1966E)*

Variations to permit a resubdivision of five existing lots totaling 1.23 acres in an R-15C zoning district. A detached three-family dwelling with three accessory apartments is proposed on Lot 1. It will require variations for lot area, front setback, side setback, rear setback, front yard, rear yard and development coverage. A semi-attached, three-family dwelling with three accessory apartments is proposed on Lots 2, 3, 4 and 5. Variations are required for front setback, front yard and rear yard for each of these parcels. Lots 2, 3 and 4 will also need a development coverage variance.

Northwest corner of Maple Avenue and Suzanne Drive.

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 The subject parcels are located within an R-15C zoning district, a medium-high density residential conversion district. The residential uses permitted by right in this zone include detached and semi-attached one-, two- and three-family dwellings. Accessory apartments are also allowed. A minimum lot area of 15,000 SF is required for detached, one-, two- and three-family dwellings; semi-attached, one-, two- and three-family dwellings require a minimum lot area of 10,000 SF. This 1.23-acre assemblage can yield three conforming 15,000 SF lots or four conforming 10,000 SF lots. The applicant is seeking to create five irregular-shaped lots. A detached three-family dwelling with three accessory apartments is proposed on an undersized parcel requiring a variations of more than 17 percent. As noted above, variations are required for development coverage, yards and setbacks. Four semi-attached, three-family dwellings with three accessory apartments are proposed on lots which meet the 10,000 SF lot area requirement. However, yard and setback variations are necessary for each parcel, and three of the four lots require development coverage variations ranging from 38 to 44 percent. While a parking variance is not indicated, only 28 spaces are provided where 30 are required. The number and extent of the variations needed is

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an indication that the proposed subdivision and residential development will result in an overutilization of the 1.23 acres. The addition of Lot 56.08-2-32 to the subdivision must serve to achieve closer conformance with the R-15C bulk standards rather than increased density.

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. As detailed above, the applicant is seeking to create five lots to be developed at the maximum residential density. Numerous variances, some of great magnitude, are required to implement the proposal. Insufficient on-site parking is proposed but the need for a parking variance is not noted. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels and/or in non-conforming 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 number of lots and number of units must be reduced to more closely conform to the R-15C bulk standards.

The following comments address our additional concerns about the proposal.

3 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

4 An updated review of the January 14, 2019 site plan must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. In addition, the comments in their December 28, 2018 letter that reference the December 4, 2018 site plan must be met.

5 An updated review of the January 14, 2019 site plan must be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the comments in their January 3, 2019 letter that reference the December 4, 2018 site plan must be met.

6 The proposed residential buildings 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 Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 All proposed building entrances, exterior stairways, window wells and decks 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.

9 Development coverage and floor area calculations shall be provided on the layout plan so their accuracy can be verified.

10 The development coverage standard listed in the bulk table for Use Group x.1 is incorrect. The maximum allowable development coverage is 50 percent. The bulk table must be corrected.

11 The on-site parking requirement for the proposed residential use is one space per unit. Since 30 units are proposed, 30 parking spaces are required. Only 28 parking spaces are illustrated on the Layout Plan. Therefore, a parking variance is needed. All application materials must be revised to include this variance. The public hearing notice must also be revised and reissued. The number of lots and units must be reduced so that the required parking standard can be achieved.

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12 As noted about the proposed lots are awkwardly configured. Lot lines run through parking spaces. Only a portion of one parking space is located on Lot 1. Since no building entrances are shown on the Layout Plan, it is not possible to determine how far residents of the detached three-family dwelling will have to walk to and from their vehicles. It is possible that vehicles will stop along Suzanne Drive to pick up and drop off passengers. This raises concerns about traffic congestion and pedestrian safety. Adequate on-site parking must be provided in locations proximate to each residential building. This can be accomplished by reducing the number of lots and units.

13 Inadequate on-site parking will encourage parking along Suzanne Drive and Maple Avenue. Fewer units will require less parking spaces. The proposal must be scaled back so that the parking requirement is achieved.

14 The play area is proposed over a stormwater management feature, and is only 2,000 SF. This location is not ideal and the total area seems insufficient for 30 families. Reducing the number of units will allow for more land area to be devoted to recreational space. A central location or scattered play areas are preferable to the current space.

15 One trash enclosure is not sufficient for 30 families. The proposed trash enclosure is located at a considerable distance from the units on Lots 1 and 2. A second trash enclosure must be provided. Trash receptacles must be easily accessible to sanitation workers. Parked vehicles must not block access to them.

16 The Rockland County Planning Board considers the width of the walkways to be inadequate, and notes that there will be conflicts with vehicle overhangs and the proposed porches. A standard three-foot door will hit a car overhang. This is a safety concern that must be remedied with appropriately wide walkways.

17 Areas designated for snow removal must be clearly delineated on the Layout Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents. This is especially critical since the minimum parking standard is not achieved.

18 The Rockland County Planning Board questions the accuracy of the rear yard measurements. The yards must be measured to the closest lot line, which for Lots 2 through 5, is the diagonal line running from southeast to northwest on each parcel. This will result in more deficient rear yards. The revised measurements will change the degree of non-conformity, and therefore, the published variances and the public hearing notice will be incorrect. These must be updated so that the correct information is reflected.

19 The Maple Avenue one-way entrance driveway must be clearly labeled in the field (the rear of the site) so that drivers do not use it as a means of egress. Given its narrow width, this is a safety concern.

20 Maple Avenue is not a County road so the gratuitous road widening shall be dedicated to the Town of Ramapo, not the County of Rockland.

21 The northern portion of each parcel contains a large area dedicated to utility, access, parking, and play area easement. A gross and net lot area for each parcel must be provided to account for this unusable easement area. The lot area deductions will result in lots that do not comply with the bulk standards, and additional variances will be required.

22 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.

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23 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.

24 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 Drainage Agency
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

Brooker Engineering, PLLC
Village of Kaser

Prestige Builders

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.