



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 18, 2019

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

<b>Tax Data:</b> 56.08-2-32	56.08-2-31.4	56.08-2-31.3
56.08-2-31.2	56.08-2-31.1	

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 5/13/2019

**Date Review Received:** 6/10/2019

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

A 5-lot re-subdivision on 1.23 acres in the R-15C zoning district. A detached three-family dwelling with three accessory apartments is proposed on Lot 1 and a semi-attached three-family dwelling with three accessory apartments is proposed for Lots 2, 3, 4, and 5. Variances for front setback, front yard, rear yard, and development coverage were previously granted for all Lots. Variances for lot area, side setback, and rear setback have also been granted for Lot 1.

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 needing a variance of more than 17 percent. As noted above, variances were also 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 variances were necessary for each parcel, and three of the four lots required development coverage variances ranging from 38 to 44 percent. The number and extent of the variances needed is an indication that the proposed subdivision and residential development will result in

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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, were required to implement the proposal. 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 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 100 feet west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

4 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.

5 The comments made by the Rockland County Department of Health in their June 18, 2019 letter must be addressed.

6 All comments made by the Rockland County Sewer District No. 1 in their letter June 12, 2019 letter must be addressed.

7 The proposed residential buildings 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 maneuverability on site for fire trucks, in the event an emergency arises.

9 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.

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

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11 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.

12 As noted above, the proposed lots are awkwardly configured. Lot lines run through parking spaces. No parking spaces are 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. Inadequate on-site parking will encourage parking along Suzanne Drive and Maple Avenue. 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 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.

14 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.

15 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.

16 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.

17 As per Section 376-31, townhouses are not a permitted use in the R-15C zoning district. Any mention of them within the project narrative must be removed.

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 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

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.

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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.

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.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
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  
Rockland County Drainage Agency  
  
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.*