



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

November 21, 2019

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

Tax Data: 49.19-5-57.2

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

Map Date: 7/16/2019

Date Review Received: 10/28/2019

Item: **ABRAHAM MILLER/14 MANOR DRIVE (R-2702)**

Variances for lot area, lot width, side setback, total side setback and street frontage to allow the conversion of a semi-attached, single-family dwelling to a two-family dwelling with an accessory apartment on .2832 acres in an R-15A zoning district.

West side of Manor Drive, approximately 320 feet west of Blauvelt 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 The subject site does not meet the minimum lot area standard of 15,000 SF required for the existing single-family residence. The applicant is proposing to convert the structure to a two-family residence with only 62 percent of the required lot area provided. Additional non-conformities include lot width and street frontage which are both deficient by 54 percent. The magnitude of the side setback and total side setback will also increase due to the more intensive use. 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 tripling 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 local streets and the nearby state highway. The potential for traffic conflicts is great. The variances shall not be granted.

ABRAHAM MILLER/14 MANOR DRIVE (R-2702)

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 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 must be denied.

The following comments address our additional concerns about this proposal.

3 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.

4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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

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 Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 472 feet northeast of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the requested variances and provide any concerns related to the project to the Town of Ramapo.

8 The adjacent property to the south must be shown on the drawing as the structures are semi-attached and the driveway is shared. It is not possible to evaluate the impact of the enlarged parking area on pedestrian and vehicular movement without this information.

9 It will be difficult for a vehicle parked in space 5 to maneuver out of the space without a turnaround area. The proximity of the walkway is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. As configured, a resident will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the walkway must be re-oriented so that it does not terminate directly behind a parked vehicle.

10 A refuse enclosure must be illustrated on the site plan. Access to the trash receptacles must be unimpeded, and it must be demonstrated that their location will not impact yard requirements and parking maneuverability for the site.

11 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

12 The September 1, 2019 project narrative incorrectly specifies a total side setback requirement of 30 feet. This must be corrected to 50 feet as indicated in the bulk table and the Town of Ramapo Building Department's September 12, 2019 denial letter.

13 This department's GIS database indicates that the current land use for this parcel is a two-family residence. The application materials specify an existing single-family dwelling. Clarification must be provided as to the current use.

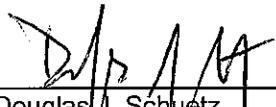
ABRAHAM MILLER/14 MANOR DRIVE (R-2702)

14 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.

15 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.

16 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.

17 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 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.
Village of Kaser

Abraham Miller

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.

