



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 17, 2019

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

Tax Data: 56.14-3-22

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

Map Date: 10/11/2019

Date Review Received: 11/18/2019

Item: *SUSAN J. & KENNETH MORAN (R-2705)*

Variances to permit the construction of a two-family dwelling located on 0.234 acres in the R-15 zoning district. The variances required include lot area, lot width, front setback, front yard, side setback, total side setback, street frontage, maximum development coverage, and floor area ratio.

West side of Suffern Place, approximately 477 feet south of Roberts Road

Reason for Referral:

NYS Thruway (I-87/287)

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 10,000 square feet required for a single-family residence, and provides only approximately half of the lot area required for a two-family dwelling. The lot itself is non-conforming for width and street frontage, as well. The proposed two-family residence will require substantial yard variances to accommodate an oversized residential building on an undersized parcel. 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, leading to congestion and traffic conflicts. 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, the size of the building be reduced to more closely conform to the standards of the R-15 zoning district, and only a single family dwelling be permitted.

SUSAN J. & KENNETH MORAN (R-2705)

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 lot area is only 51% of the required minimum and the lot width is 68%. The front setback and front yard are 86% of the bulk standards. The side setback and total side setback are 17% and 34% deficient in meeting the bulk requirements, respectively. The street frontage is 32% deficient in meeting the bulk requirements. The maximum development coverage and floor area ratio exceed the maximum amount permitted by 40% and 88%, respectively. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 Village must consider the cumulative and regional impacts of permitting such development. As stated above, the variances must be denied.

The following comments address our additional concerns about the proposal:

3 The Denial Letter from the Building Inspector states the proposed lot area is 10,000 SF. The project narrative and bulk table on the site plan state this will be 10,200 SF. It must be clarified what the proposed lot area is to be, and the proper value corrected. If the public hearing notice was issued with incorrect information, it must be reissued with the correct lot area.

4 The site plan shows to figures created by dashed lines. One is labeled as the building envelope and is comprised of dashes of different lengths. The other has the setback and yard measurements extending to it and is made of dashed lines of the same length. It should be clarified as to what the difference between these two figures represent, as it appears the dashes of the same length represent the actual building envelope while the dashes of different lengths represent the actual buildable area allowed by the setback requirements for a two-family dwelling in the R-15 zoning district. A legend shall be provided to explain what these lines, and all other lines and symbols on the site plan, represent.

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

6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

7 A review must be completed by the New York State Thruway Authority and any required permits obtained.

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

9 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 accessibility to the site for fire trucks, in the event an emergency arises.

10 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of including such details.

11 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.

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12 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 Thruway Authority
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District

Anthony R. Celentano P.E.

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.