



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 20, 2019

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

Tax Data: 50.14-3-14

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

Map Date: 11/6/2018

Date Review Received: 12/17/2018

Item: *PETER OBE/104 EAST ECKERSON ROAD (R-2676)*

Variations for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, development coverage, floor area ratio and parking in the side yard to allow the construction of a two-family residence on .1722 acres in an R-15 zoning district.

South side of East Eckerson Road, approximately 95 feet west of Buena Vista Avenue

Reason for Referral:

East Eckerson Road (CR 74)

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 According to our mapping database, the subject site is 15,000 SF, not 7,500 SF. Aerial photography available to this department indicates that a single-family residence is currently located on the .34-acre site. However, it is our understanding that the Town of Ramapo's Assessor considers this to be two separate parcels. At 7,500 SF, the site is significantly deficient in meeting the R-15 bulk standards for both one- and two-family dwellings.

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 applicant is seeking substantial variations for lot area and floor area ratio, as well as yard and setback variations. 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 building footprint must be reduced and only one residential unit permitted.

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2 As noted above, the subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence, or the 20,000 SF needed for a two-family dwelling. Additional non-conformities include lot width and street frontage. The applicant is proposing to construct a two-family residence with only 37.5 percent of the required lot area available. The proposed building will require a floor area ratio variance of almost 88 percent. Additional yard and setback variances are necessary 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. 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.

The following comments address our additional concerns about this proposal.

- 3 A review must be completed by the Rockland County Highway Department, and all required permits obtained.
- 4 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 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 and parking maneuverability for the site.
- 8 Parking spaces 1 and 2 are located in the side yards immediately adjacent to the residential structure. A variance is required for these side yard parking spaces. The bulk table must be revised to reflect this variance. The public hearing notice must be corrected and reissued to include all required variances.
- 9 The location of parking spaces 1 and 2 is not ideal in terms of visibility. Drivers exiting these space will be unable to see most of the driveway area or the access to the two garage spaces. This is an unsafe arrangement. Since no building entrances, exterior stairways and walkways are shown on the site plan, it is difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. The on-site parking must be reconfigured to ensure pedestrian and vehicular safety on the premises.
- 10 The November 26, 2018 project narrative and the bulk table specify that a variance is required for street frontage. This variance is not included in the Building Inspector's November 9, 2018 denial letter. All application materials must be consistent. The need for a street frontage variance must be verified. If it is required, the public hearing notice must be revised to include all necessary variances, and reissued.
- 11 The site plan shall contain map notes that list all appropriate information, including the district details.
- 12 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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13 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
Moleston/Hillcrest Fire District

Anthony R. Celentano P.E.

Peter Obe

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.

