



# 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*

April 3, 2019

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

**Tax Data:** 50.14-4-20

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

**Map Date:** 12/20/2018

**Date Review Received:** 2/28/2019

**Item:** *SAMUEL D. OSHRY - 96 W. ECKERSON ROAD (R-2690)*

Variations to permit the construction of a two-family dwelling located in the R-15 zoning district on .24 acres. Required variations include: lot area, lot width, front yard, front setback, side setback, total side setback, rear setback, street frontage, development coverage, floor area ratio, and rear deck setback.

South side of W. Eckerson Road, approximately 70 feet west of Hempstead Lane

### Reason for Referral:

W. 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 The subject site does not meet the minimum lot area standard of 15,000 SF required for a single-family residence. Additional non-conformities include lot width and street frontage. The applicant is proposing to construct a two-family residence with only 48.6% percent of the required lot area available. The proposed building will require a floor area ratio variance of 75 percent. Many setback variations are necessary to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variations 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. The large number and scope of the requested variations suggest a general overdevelopment of the site. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variations be denied.

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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 deficient by over 48% and the lot width and street frontage are deficient by over 40%. Almost every yard and setback require significant variances, ranging from almost 29% to 60%. The maximum development coverage is exceeded by 18%, and the extent of this variance may be understated since not all impervious features are shown on the site plan. Lastly, the floor area ratio is 75% greater than the permitted ratio. 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 Town must consider the cumulative and regional impacts of permitting such development.

The following comments address our additional concerns about this proposal.

3 It will difficult for a vehicle parked in spaces #2 or #4 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the County highway, and the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

4 As indicated above no sidewalks, stairs, window wells, or exits have been shown on the site plan. All proposed exit stairways, or other features must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans. If any of these features impact the development coverage, the ratio must be updated to indicate such.

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

6 A review must be completed by the County of Rockland Department of Highways, all comments or concerns addressed, and all required permits obtained.

7 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

8 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.

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

10 The site plan shall contain map notes that list all appropriate information, including the district 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.

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.

**SAMUEL D. OSHRY - 96 W. ECKERSON ROAD (R-2690)**



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
  
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.*

