



# 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*

November 19, 2019

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

**Tax Data:** 56.11-2-88.-3

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

**Map Date:** 8/14/2019

**Date Review Received:** 10/29/2019

**Item:** *ASHER & TZIPORA PACHTMAN (R-2701B)*

Variance to permit the addition of an accessory unit to an existing single-family condo that is part of a three-family dwelling. Only one accessory apartment is permitted as per Section 376-65G. The parcel is located on 0.388 acres in the R-15C zoning district.

South side of Homestead Lane, Approximately 168 feet east of North Saddle River 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 Section 376-65G includes three subsections. The Zoning Board of Appeals application materials must specify which subsection pertains to the proposal. Since the lot width exceeds 75 feet, the unit layout must not be townhouse style. However, this is not stated or clearly indicated on the drawing. If the building configuration is not townhouse style, only one accessory unit shall be permitted in the three-family dwelling.

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. Only one accessory apartment is permitted for this three-family dwelling, however a total of three are being proposed. The ability of the existing infrastructure to accommodate increased residential density 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. Only one accessory unit shall be permitted in the three family-dwelling if the building configuration is not townhouse style.

The following comments address our additional concerns about the proposal:

**ASHER & TZIPORA PACHTMAN (R-2701B)**

- 3 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 241 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.
- 4 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 5 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, 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 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.
- 8 The Referral Form, site plan, and project narrative refer to tax parcel 56.11-2-88.3. This should be corrected to 56.11-2-88.-3. If the public hearing notice was issued with the incorrect parcel information, it must be reissued with the correct tax lot number.
- 9 This application pertains to tax lot 56.11-2-88.-3. However, the site plan shows this tax lot, as well as tax lots 56.11-2-88.-1 and 56-2-88.-2 as one lot. The lot lines between the three condominiums must be distinguished on the site plan so that each individual residential unit is shown and can be evaluated properly.
- 10 It will be difficult for a vehicle parked in space #3 or #4 to maneuver out of the space without a turnaround area. A turnaround area must be provided so that vehicles do not have to back out into the roadway.
- 11 It must be clarified as to what the striped area next to parking space #4 represents. If space #4 is intended to be a handicapped parking space, it must be labeled as such on the site plan. In addition, no walkway is provided from this space to the entrance of building. A walkway must be provided.
- 12 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
- 13 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.
- 14 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.
- 15 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.

**ASHER & TZIPORA PACHTMAN (R-2701B)**

16 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  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
New York State Department of State  
New York State Department of Transportation  
  
Anthony R. Celentano P.E.  
Village of Kaser

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.*

