

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 13, 2019

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

Tax Data: 56.16-2-22

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

Map Date: 11/13/2018

Date Review Received: 1/31/2019

Item: *HARRY & ESTHER ROTHBAUM - 4 DERONDE ROAD (R-2684)*

Variances to permit an addition to an existing single-family dwelling and the addition of one accessory apartment for a parcel located in the R-15A zoning district on .275 acres. Required variances include: front yard, front setback, side setback, total side setback, rear setback, and floor area ratio.

Northeast side of De Ronde Road, approximately 105 feet west of Caville Drive

Reason for Referral:

Old Nyack Turnpike (CR 52)

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 massive addition and accessory apartment will result in a residential structure that is over the maximum floor area ratio by 80%. In addition, significant variances (50%) are required for side setback and total side setback. The surrounding neighborhood is characterized by similar-sized parcels that contain smaller detached single-family dwellings and semi-attached dwellings. Granting these bulk variances will set a precedent that can result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood which will result in non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While an accessory apartment is permitted as of right in the R-15A zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards. Given the extent and number of required variances needed to implement the proposed single-family dwelling, with one accessory apartment, and the precedent that can be set, we recommend that the proposal be denied, the size of the addition significantly reduced, and that only a single-family dwelling be permitted.

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2 As noted above, 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 a substantial variance for maximum floor area ratio as well as side setback and total side setback for the massive addition. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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 size of the addition must be reduced so that all bulk requirements are attained.

3 In order for an accessory apartment to be permitted in the R-15A zoning district, it must comply with all of the requirements of Section 376-65 of the Town of Ramapo Zoning Ordinance. The documentation provided with the application is insufficient to determine if all of the conditions of Section 376-65 have been met. A complete application, that provides the breakdown of the square footage for the single-family residence and the accessory apartment must be provided so that it can be determined if the proposed addition complies Section 376-65C.

4 As noted above, specific requirements are listed for an accessory apartment in the R-15A zoning district. Section 376-65B. indicates that the entrances for the accessory apartment must be on the side or rear of the principal dwelling. The plans submitted do not differentiate as to what portion of the building is to be retained as the semi-attached single-family residence, and what portion is to be the accessory apartment. In addition, only one entrance is illustrated on the plans. The entrance for the second residence is not provided. The applicant must indicate which portion of the building is for the main residence and which portion is for the accessory apartment. The entrance for each of the residences must be clearly indicated, with the accessory apartment entrance on either the side or rear of the principal dwelling.

5 Section 376-65D. indicates that the location of the accessory apartment may not extend beyond the footprint of the principal dwelling. As indicated above, no information has been provided regarding which portion of the residence is the principal dwelling, and which portion is the accessory apartment. The applicant must provide more detailed information so that this can be determined. Until the appropriate information is submitted for the addition and accessory apartment, this application cannot be approved.

The following comments address our additional concerns about this proposal.

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

7 A review must be completed by the County of Rockland Sewer District #1 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 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

10 It will difficult for a vehicle parked in space #1 to maneuver out of the space without a turnaround area. The proximity of the staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs 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 stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.

11 The site plan is lacking several features that must be provided. These include a north arrow for the Vicinity Map and map notes that list all appropriate information, including the district information. These features must be included on the site plan.

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

13 A grading, utility, and soil and erosion control plan must be provided for the application to be complete. No topography is illustrated at all on the site, thereby making it impossible to visualize the impact of the massive addition on the lot.

14 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.

15 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 Highways
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

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.

