



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 4, 2020

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

Tax Data: 56.08-2-30.1

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

Map Date: 1/19/2020

Date Review Received: 2/10/2020

Item: *CONREGATION TORATH CHAIM, INC. (R-2112G)*

Variances to permit the construction of a three-family dwelling with three accessory apartments located on 0.22 acres in the R-15C zoning district. The variances required include lot width, rear setback, street frontage, maximum development coverage, rear setback deck, and number of accessory units.

North side of Maple Avenue, approximately 245 feet east of Phyllis Drive

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 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 width and street frontage are 33% deficient in meeting the bulk requirements. The rear setback and rear setback deck are only 50% of the required minimums. The maximum development coverage exceeds the permitted standard by 50%. The ability of the existing infrastructure to accommodate increased residential density on 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 size of the proposed building and the number of units must be reduced.

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2 Section 376-65G permits three-family residences with accessory apartments if they meet specific criteria. One criteria specifically noted is that the lot width must be 75 feet to permit more than one accessory apartment. It is further stated that if the criteria are not met, than only one accessory apartment can be constructed for the entire three-family residence. The lot width for this site is only 50.37 feet, and is deficient by 33%, as stated above. The Town of Ramapo Zoning Board of Appeals must consider the precedent that would be set if this variance is granted. This Section of the Town Zoning Ordinance would become moot, and other similar requests will result, undermining the intent of the Code. This additional accessory apartment must not be permitted.

The following comments address our additional concerns about the proposal:

3 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along the northern and northwestern borders of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The Village of Kaser must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

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 No. 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 states the proposed dwelling will be semi-attached. However, the site plan depicts a detached building. It must be clarified whether the proposed three family dwelling will be semi-attached or detached.

In addition, the Referral Form indicates the tax parcel is 56.08.2-30.1. This shall be corrected to 56.08-2-30.1. If the public hearing notice was issued with the wrong information, it must be corrected and reissued.

9 It will be difficult for a vehicle in parking space #1 to maneuver out of the space without a turnaround area. In addition, the parking area is in close proximity to the proposed walkways, posing safety concerns for pedestrians. The parking area shall be reconfigured so as to mitigate the safety concerns. Parking maneuverability shall not be affected by the reconfiguration and a turnaround area shall be provided so vehicles to not have to back out into the roadway.

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

11 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.

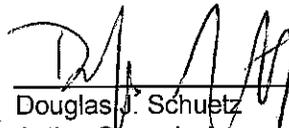
12 Additional information must be provided pertaining to the accessory apartments so it can be determined if they comply with Section 376.65.

13 The map notes must be labeled as such. In addition, they should include parcel specific information such as lot area, zoning, designation, owner, and existing and proposed use.

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.

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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District
New York State Department of State

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.*

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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.