

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 18, 2020

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

Tax Data: 56.15-3-19

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

Map Date: 12/5/2019

Date Review Received: 2/10/2020

Item: *DAYMAN HOLDINGS (R-2714)*

Variations to permit the construction of a two-family dwelling with one accessory apartment located on 0.263 acres in the R-15A zoning district. The variations required include lot area, front yard, front setback, maximum development coverage, and floor area ratio.

South side of Fred Eller Drive, approximately 265 feet east of Summit Avenue

Reason for Referral:

Saddle River Road (CR 73), NYS Thruway (I-87/287), Monsey Glen Park

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 20,000 SF required for the proposed two-family residence. The residential building will require a floor area ratio variance of 75% and a maximum development coverage variance of 18%. Additional yard and 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-15A zoning district, they are subject to stricter bulk requirements. The building footprint must be reduced to more closely conform to the requisite bulk standards, and the accessory apartment eliminated.

DAYMAN HOLDINGS (R-2714)

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 only 57% of the required minimum. 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. As stated above, the building footprint must be reduced and fewer units permitted.

The following comments address our additional concerns about this proposal:

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

4 The applicant must comply with the comments made by the Rockland County Department of Health in their letter of March 6, 2020.

5 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

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

8 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 for fire trucks to access the site, in the event an emergency arises.

9 Only one accessory apartment is permitted for a two-family dwelling in the R-15A zoning district. While the application material states only one is proposed, the site plan indicates the two dwelling units, identical in size, with two entrances each. The applicant must ensure that only one accessory apartment is proposed for this development.

10 Additional information must be provided about the accessory apartment so it can be determined if it comply with the provisions of Section 376-65.

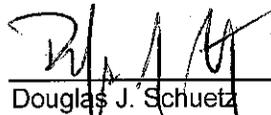
11 In the R-15A zoning district, two parking spaces are required per dwelling unit. An additional space is required for the accessory apartment. Therefore, five spaces are required when only four are shown on the site plan. An additional space must be included, or a parking variance will also be required. If the applicant chooses to seek a variance for parking, we request the opportunity to review it, as required by New York State General Municipal Law.

12 It will be difficult for vehicles parked in the spaces #1 and #3 to maneuver out of these spots without a turnaround area. The proximity of the staircases to the proposed porches 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 pedestrian safety is not compromised. Greater separation must be provided between the parking area and pedestrian facilities. The staircases must be re-oriented so that residents do not descend directly into the parking area.

13 The proposed location of the dumpster enclosure is inaccessible to sanitation workers. It must be relocated to a more accessible location that will not impact yard requirements and parking maneuverability for the site.

DAYMAN HOLDINGS (R-2714)

- 14 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 15 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
- 16 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.
- 17 Map Note 8 must be correct to state the proposed use is for a two-family dwelling with an accessory apartment.
- 18 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.
- 19 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.
- 20 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
New York State Thruway Authority
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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.*

DAYMAN HOLDINGS (R-2714)

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.