

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 4, 2020

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

Tax Data: 49.15-3-20

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

Map Date: 4/15/2015

Date Review Received: 1/10/2020

Item: *EUGENE & YENTI SAMUEL (R-2504A)*

Variations to permit the construction of a three-family dwelling with three accessory apartments on 0.36 acres in the R-15C zoning district. The variations required include side setback, total side setback, rear setback, rear setback deck, and maximum development coverage.

North side of Calvert Drive, approximately 275 feet west of Crown 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:

****Recommend the following modifications***

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along the northern property line and 420 feet east 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 countywide 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 that 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. The areas of countywide concern noted above that directly impact the Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

EUGENE & YENTI SAMUEL (R-2504A)

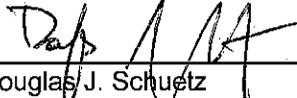
- 2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The side setback is 33% deficient in meeting the required minimum, and the total side setback is 50% deficient. The rear setback is only 57% compliant with the required standard, and the rear setback deck is only 40% compliant. The applicant is seeking a 50% increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density in non-conforming structures 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.
- 3 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.
- 4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. As noted in the Town of Ramapo Building, Planning and Zoning Department's May 13, 2015 denial letter, window wells, sidewalks, areaways, entrances and stoops are not shown. If exit stairs or ramps are within ten feet of the property line, a NYS variance will be required. As noted by the Chief Fire Inspector, the applicant's engineer must show that there is sufficient water for fire protection.
- 6 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.
- 7 All proposed building entrances, exterior stairways, window wells, and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. If these features do impact any requirements, a new application will be required and additional variances will be necessary. In addition, parking maneuverability shall not be affected by the location of these features.
- 8 A turnaround area must be provided in the parking area. Since exterior stairs and stoops are not shown on the site plan, it is not possible to determine if a turnaround area can be located at the north side of the parking area. It will be difficult for vehicles in spaces 3 and 6 to maneuver out of these spots without a turnaround area.
- 9 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block its access.
- 10 Additional information must be provided for the accessory apartments to confirm their compliance with Section 376-65 of the Town Zoning Code.
- 11 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 12 The actual building height proposed must be indicated on the bulk table, rather than "< 30'." The bulk table shall not include estimations.
- 13 The project narrative from Construction Expediting refers to "minimum site setback". This shall be corrected to "minimum side setback".
- 14 The site plan shall include map notes that list all appropriate information, including the district details. The applicants engineer has been reminded of the importance of including such details.

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15 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.

16 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.

17 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 Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Kaser

Mona Montal, Chief of Staff

**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.