



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 2, 2020

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

Tax Data: 56.15-1-17

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/23/2020

Date Review Received: 1/30/2020

Item: HANA KLAGSBRUN/2 JOHANNA LANE (R-2713)

Variances for lot area, lot width, front setback, front yard, side setback, rear setback, deck rear setback and floor area ratio to permit the construction of a two-family dwelling on .4244 acres in an R-15 zoning district.

Terminus of Johanna Lane, approximately 250 feet west of Roberts Road

Reason for Referral:

NYS Thruway, Village of Airmont

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 a two-family residence. The lot width is also deficient. The proposed residential building will require a floor area ratio variance of almost 38 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances 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-15 zoning district, they are subject to stricter bulk requirements. The building footprint must be reduced to more closely conform to the requisite bulk standards.

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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 ability of the existing infrastructure to accommodate increased residential density on undersized, 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 proposal must be scaled back to achieve closer conformance with the R-15 bulk requirements.

The following comments address our additional concerns about this proposal.

3 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 310 feet southwest of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont 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 Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

5 A review must be completed by the Rockland County Sewer District #1, 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 for fire trucks to access the site, in the event an emergency arises, given its location at the terminus of a cul-de-sac.

8 The bulk table specifies that the required four parking spaces are provided. However, five parking spaces are shown on the plot plan. It is unclear why five spaces are proposed for two residential units. The application materials do not mention an accessory unit. Clarification must be provided. The fifth parking space shall be eliminated. If an accessory apartment is proposed, the application must be resubmitted for our review.

9 It will be difficult for vehicles parked in the spaces closest to the residence to maneuver out of these spots without a turnaround area. The proximity of the staircase and sidewalk 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 staircase must be re-oriented so that residents do not descend directly into the parking area. The elimination of the fifth parking space will allow for a safer parking area configuration.

10 The location of the refuse containers must be illustrated on the site plan. Access to the trash receptacles must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

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

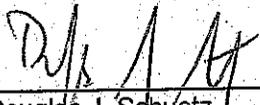
12 General Note 3 specifies that the zoning designation is R-15A. The bulk table, application form, January 23, 2020 project narrative and the Building Department's January 21, 2020 denial letter indicate an R-15 zoning designation, as does our mapping database. All application material must be consistent. The zoning designation must be clarified. The public hearing notice will have to be reissued if it did not contain accurate information.

13 General Note 9 must be corrected to reference Section 239 L & M of the NYS General Municipal Law as this is an application for variances not a subdivision.

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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
- New York State Thruway Authority
- 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

- Civil Tec Engineering & Surveying PC
- Village of Airmont

Hana Klagsbrun

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.