

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 10, 2020

Ramapo Town Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 7/17/2020

**Item:** *LARGE LOT REGULATIONS FOR R-15C ZONING DISTRICT (R-2716)*

Local Law to encourage development on large building lots (40,000 SF or larger) in the R-15C zoning district in order to allow design flexibility. Adequate on-site parking, vehicle access and circulation, suitable delivery and drop-off areas, open space and recreation space will be required. The intent is to reduce curb cuts and improve traffic safety in the R-15C zoning district. Landscaping and fencing requirements will be included, as well as building façade standards.

Throughout the R-15C zoning district

**Reason for Referral:**

State roads, Pascack Brook, Villages of Kaser and Spring Valley

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***

This department received a GML referral for the proposed Local Law on June 30, 2020. We conferred with the Town Supervisor and his Chief of Staff on July 8, 2020 about the intended goals and objectives of the large lot regulations for the R-15C zoning district. Our land use planning staff shared some observations and concerns during that conference call. Since July 13, 2020, three revised versions of the Local Law have been submitted for review. We are commenting on the version emailed to our department by J. Benjamin Gailey, Esq. after close of business on July 16, 2020. The receipt date for that referral is July 17, 2020. Our 30-day review period concludes on August 16, 2020.

Typically, changes to a Zoning Ordinance are adopted to implement the goals and objectives of a Comprehensive Plan. An attachment to Part 1 of the Full Environmental Assessment Form references the Town's 2004 Comprehensive Plan noting that it laid the groundwork for this Local Law because it recognized the shortcomings associated with the R-15C zone and recommended improvements to the zoning district. This department concurred with this 2004 assessment of the R-15C zoning district, and was opposed to its expansion. We do not believe that it is appropriate to rely on a Comprehensive Plan that was adopted more than 16 years ago as the justification for this zoning code amendment. This is particularly inappropriate since the Town embarked upon a

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Comprehensive Plan update in 2018. The Envision Ramapo was to first focus on the northeast corridor of the Town. This land use planning document was briefly discussed during our July 8, 2020 conference call. We noted that we have still not received a GML referral for Envision Ramapo. We questioned the initial focus on the northeast corridor when zoning map and text changes are being proposed elsewhere.

Additional standards must be formulated to accomplish the goal of providing more housing options for a growing population. Many of the concerns discussed in our July 8, 2020 conference call are not addressed in the current version of the Local Law.

We offer the following recommendations to improve and enhance the large lot regulations for the R-15C zoning district.

1 While we understand that there is a need for smaller residential units in the Town, and the proposed Local Law will serve as an incentive to builders and attempt to address the existing shortcomings of the R-15C zoning district, we believe additional study is warranted. The Town must undertake a comprehensive buildout analysis of the R-15C zoning district to fully consider the land use planning implications of increased residential density. In addition to determining the total number of buildable units possible under the proposed zoning code amendment, the Town must evaluate the capacity of the existing infrastructure to accommodate such development in the R-15C zone. 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 well as the cost of the capital improvements required to accommodate the increased residential density. Since State, County and local infrastructure will be affected, the Town Board shall not approve large lot designations in the R-15C zoning districts until appropriate mitigation measures are in place.

2 The proposed zoning code amendment is an opportunity for the Town Board to effect meaningful change in the R-15C zoning district. As such, the provisions of the large lot regulations must be upheld and enforced by all Town departments and boards, including the Planning Board and the Zoning Board of Appeals (ZBA). While the shortcomings of the R-15C zoning district were recognized in the Town's 2004 Comprehensive Plan as well as the FEAF for this action, the historic practice of routinely granting variances for nonconforming proposals in this zone is not addressed. This department regularly reviews ZBA applications for numerous variances of great magnitude in this zoning district. Typically, we recommend that the building footprint and number of units be reduced to more closely comply with the R-15C bulk standards. Generally, the ZBA overrides our recommendation and grants the variances. This is a poor land use regulatory practice as variances are meant to be the exception rather than the rule. Until the Town Board acknowledges and addresses this flawed process, the aforementioned R-15C shortcomings will continue to have detrimental impacts and ramifications for Ramapo and the County. The Town Board must ensure that this zoning code amendment is impactful by requiring that the Town Attorney properly advise the ZBA of its role in land use planning process. The ZBA must also be required to abide by the comments of other Town departments and boards in evaluating variance requests, and ensure that their concerns are addressed rather than ignored. We encourage the Town Board to embrace this opportunity to improve conditions in the R-15C zoning district by enforcing the provisions of the proposed Local Law.

3 Section 1 summarizes the legislative intent of the proposed Local Law. We suggest that the language used in the Additional Information section of Part 1 of the Full Environmental Assessment Form be included here as it more succinctly addresses the goals to be achieved through more thoughtful land use planning regulations.

4 The Legislative Intent paragraph concludes with a discussion of the 40,000 SF minimum lot area requirement. Unlike the second version of the Local Law, it does not address whether assemblages of smaller parcels in the R-15C zoning district are permitted to achieve the minimum lot area requirement. This must be clarified and explicitly stated in the Local Law.

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5 We were informed by the Town Supervisor and his Chief of staff that there are no plans to extend the boundaries of the R-15C zoning district given the well-documented shortcomings of this zone. This must be addressed in Section 1 of the Local Law.

6 The bulk table for proposed Use Group x.7 includes more relaxed standards for front setback, front yard, total side setback, rear setback, height and development coverage. The generous floor area ratio standard of .90 is maintained. In our July 8, 2020 conference call, we were informed that layout renderings had been prepared. A development rendering for six adjoining parcels in the R-15C zoning district was provided after close of business on July 20. The assemblage is 54,854 SF or 1.26 acres. The rendering does not include a bulk table so it is not possible to determine if a conforming proposal is feasible under the proposed bulk standards. While it appears that yard and setback standards are achieved, the floor area ratio and development coverage are not specified. Forty-four parking spaces are illustrated so it is implied that the two residential structures contain a total of 44 units. Therefore, the residential density displayed in this rendering is 35 units per acre. This is considerably higher than the 30 units per acre maximum discussed during our conference call. The recreation area is deficient as it fails to meet the minimum requirement of 2,160 SF. A 1,675 SF playground is inadequate for 44 households. The submitted rendering fails to comply with the current version of the proposed Local Law. A fully conforming layout plan that contains a bulk table with all criteria including density and floor area ratio, and that illustrates the approximate location of buildings, other structures, parking areas, vehicle circulation, pedestrian circulation, open space, recreation areas and other facilities, must be submitted for our consideration.

7 The Local Law shall include a Procedure Section that specifies the process by which a property will be designated as an R-15C large lot appropriate for a multifamily development. The board with the regulatory authority to approve these actions must also be indicated. During our conference call, the Town Supervisor and his Chief of Staff informed us that the Town Board will designate a property as eligible for large lot development and the Planning Board will review the site plan proposal for the property. This is not specified in the current version of the law. This is a serious omission and must be rectified.

8 The second version of the Local Law (Large Lot/Multifamily Floating Zoning District) included a detailed Procedure Section. The procedures outlined in Version 2 are applicable to the current version of the Local Law and must be included in the text. In addition to a detailed survey, vicinity map and EAF or DEIS, architectural drawings and floor plans shall be required.

9 The R-15C zoning district includes land within the floodplain and steep slope areas. These environmentally constrained areas must be subject to the special bulk requirements contained in Section 376-42. The calculations for floor area ratio and development coverage must be based on the net lot area.

10 The Town Supervisor and his Chief of Staff stated that there is a desperate need within Ramapo for starter homes and smaller apartments for young couples. They indicated that 1,200 SF units are being considered. This maximum floor area measurement must be specified in the Local Law.

11 We do not agree that maintaining a maximum Floor Area Ratio of .90 will not result in an increase in density. The floor area of a structure can be configured into fewer, larger units or more, smaller units. The residential density is more accurately expressed as the number of units per acre. The Local Law must include a residential density standard stated as the permitted maximum number of units per acre.

12 Town officials have frequently expressed concern to this department about the increasing traffic congestion along the Route 306 corridor. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Zoning Board of Appeals overrides our GML recommendations by granting variances to allow increased residential density on undersized and nonconforming lots. Given that sections of the R-15C zoning district border Route 306, we must caution the Town about the implications of increased residential density in neighborhoods with direct access to the state highway. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and putting the walking population at greater risk.

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13 The R-15C large lot regulations do not specify if more than one principal building will be permitted, or if all of the residential units must be contained in one structure. This must be clarified. If multiple residential structures are permitted, additional standards must be established for the minimum distance between buildings and the proximity of designated parking to individual units. The regulations must also specify the maximum number of units allowed in each residential structure, as well as the maximum number of permitted bedrooms in each unit.

14 As discussed during our conference call with the Supervisor and his Chief of Staff, we do not believe one parking space per unit is sufficient. Aerial photography available to this department shows multiple vehicles parked in driveways, curbside and in cul-de-sacs throughout the R-15C zoning district clearly documenting a parking deficiency within these neighborhoods. At a minimum, 1.5 parking spaces per unit shall be required.

15 The R-15C large lot regulations must require turnaround areas in all parking lots so that vehicles can be safely maneuvered out of parking spaces and not backed into the roadway, particularly if it is a state highway.

16 The R-15C large lot regulations shall require that areas be designated for snow removal so that the plow drivers will know where to place the snow piles. The provision of specific locations on a site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and visitors. This is especially critical since only one parking space is required for each residential unit. In addition, it will help to protect any proposed landscaping from damage due to the weight of the snow and salt intrusion.

17 Multifamily development proposals on large lots in the R-15C zoning district must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. This shall be noted in the regulations. The zoning code amendment must also include an emergency planning strategy that addresses:

- suitable access for emergency vehicles and related apparatus from the street and on the site;
- adequate provision of hydrants with sufficient water pressure to meet firefighting demands;
- appropriate address realignment and renumbering.

18 Water is a scarce resource in Rockland County; thus proper planning and phasing of multifamily developments on large lots in the R-15C zoning district are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. Water conservation measures must be included in the R-15C large lot regulations. The Town shall work with the Rockland County Water Task Force in establishing the appropriate standards.

19 The Town shall include climate smart planning standards in the large lot regulations in an effort to reduce the carbon footprint of residential development in the R-15C zoning district. Such standards shall be applied throughout the Town. Minimizing energy demand; promoting the use of alternative energy; and promoting sustainable building design through the zoning ordinance and building code are effective means of achieving this goal. In furtherance of the Town's stated commitment to improving and enhancing residential development within the R-15C zoning district, we encourage Ramapo to seek certification in the NYS Department of Environmental Conservation's Climate Smart Communities Program.

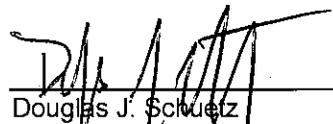
20 The R-15C large lot regulations must include standards for internal roads.

21 An accessible area for dumpster enclosures that does not impede the safe movement of pedestrians and passenger vehicles shall be required on R-15C large lot developments.

22 A centrally located community space or meeting room shall be required for each R-15C large lot development. Its size shall be a function of the number of residential units.

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- 23 Proposed Section 376-67.C. addresses parkland/recreation fees that may be required in addition to the minimum on-site playground/recreation space that must be provided. These fees will be required upon the findings of the Planning Board with regard to each particular site plan application. Additional information must be provided in this section as to what findings will warrant the payment of parkland/recreation fees, and how the money collected will be spent if not used for the subject site development.
- 24 The façade requirements mentioned in proposed Section 376-67.E. must be specified and clearly stated in the Local Law.
- 25 The R-15C zoning district is not within 500 feet of a County road so a referral to the Rockland County Highway Department is not required. The GML referral form must be corrected.
- 26 A portion of the R-15C zoning district is within 500 feet of the Pascack Brook, a County stream. This must be indicated on the GML Referral Form. A copy of the proposed Local Law must be submitted to the Rockland County Drainage Agency for their review and comment.
- 27 The Villages of Kaser and Spring Valley are two of the reasons this proposal was referred to this department for review. Portions of the R-15C zoning district are immediately adjacent to municipal boundaries. As required under Section 239nn of the State General Municipal Law, the Villages of Kaser and Spring Valley must be given the opportunity to review the proposed Local Law and provide any concerns related to the project to the Town of Ramapo.
- 28 Future R-15C large lot development proposals will be subject to a review by this department when they are before the Town Board, Planning Board and/or the Zoning Board of Appeals as mandated under the New York State General Municipal Law. Separate SEQRA determinations will be required for each proposal.
- 29 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.
- 30 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.
- 31 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Water Task Force  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health

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Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Villages of Kaser and Spring Valley  
J. Benjamin Gailey, Esq.

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.*