

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 23, 2020

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

Tax Data: 56.15-1-15

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

Map Date: 2/20/2018

Date Review Received: 8/28/2020

Item: *LEBA MANDELBAUM/22 SUFFERN PLACE (R-2327A)*

Floor area ratio variance to allow attic crawl space for a two-family dwelling to be converted to living space. The .3662-acre site is in an R-15 zoning district. Variances were previously granted for lot area, front setback (Suffern Place and Robert Road), front yard (Suffern Place and Robert Road), side setback, total side setback, rear setback, floor area ratio and deck rear setback to allow the construction of an addition to, and the conversion of, a single-family dwelling to a two-family dwelling. South side of Suffern Place, west side Robert Road

Reason for Referral:

NYS Thruway

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 existing two-family dwelling. The applicant is proposing to enlarge the residential structure with only 80 percent of the required lot area provided. The original two-family conversion required ten variances to accommodate an oversized residential building on an undersized parcel. At that time the applicant sought a 25 percent increase over the maximum permitted floor area ratio. A 62.6 percent floor area ratio variance is now required. The surrounding neighborhood is characterized by similarly-sized parcels. Granting this additional variance 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 local streets and the nearby state highway. The potential for traffic conflicts is great. The floor area variance shall not be granted.

The following comments address our additional concerns about this proposal.

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- 2 The proposed floor area ratio will result in a total floor area of 10,369 SF or 30 percent more than currently exists. The additional 2,393 SF is sufficient space for an additional residential unit. Will it be part of one or both of the existing units, or is a third unit planned? Clarification must be provided as to how this additional living space will be configured and used.
- 3 Town officials have previously expressed concern to this department about the increasing traffic congestion along the Route 59 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 and oversized residences on undersized lots such as the subject site. 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. The ZBA must consider these safety factors when evaluating non-conforming proposals.
- 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 The enlarged residential structure must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 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 The yard and setback measurements must be provided on the drawing.
- 8 The on-site parking spaces must be delineated on the drawing.
- 9 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 10 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations. The specific height is needed so that it can be determined if an aerial apparatus road is required.
- 11 The "Variance Granted" footnote on the bulk table must include the ZBA resolution date
- 12 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.
- 13 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.
- 14 A north arrow shall be provided on the vicinity map.
- 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.

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Acting Commissioner of Planning

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

Anthony R. Celentano P.E.

Leba Mandelbaum

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.