

**DEPARTMENT OF PLANNING**

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

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

September 8, 2020

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

**Tax Data:** 49.18-1-16

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

**Map Date:** 8/27/2017

**Date Review Received:** 7/31/2020

**Item:** *LEVI H. & CHASIA LEHV (R-2719)*

Variations for lot area, lot width, front setback, front yard, side setback, total side setback, street frontage, development coverage and parking in the front yard to permit the conversion of an existing garage to a single-family dwelling. A 280A variance is also required for the .2287-acre, land-locked parcel located in an R-35 zoning district.

Approximately 131 feet east of College Road and 135 feet northwest of the terminus of Hilltop Place

**Reason for Referral:**

College Road (CR 81)

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 garage on Lot 49.18-1-16 appears to serve the .67 acre lot to the south. Access to this landlocked parcel is over Lot 49.18-2-84 to Hilltop Place. At 9,962 SF, the subject site is woefully undersized. A variance of nearly 72 percent is required from the minimum lot area standard of 35,000 SF for a single-family dwelling. The lot width and street frontage are also deficient. The existing structure fails to meet several yard and setback standards. 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 variances needed for the proposed conversion shall not be granted.

The following comments address our additional concerns about the proposal.

2 A review shall be completed by the Rockland County Highway Department and any required permits obtained.

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- 3 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.
- 4 The converted garage must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient access from Hilltop Place and on site for fire trucks, in the event an emergency arises.
- 6 An easement for ingress, egress, and utilities is shown over tax lot 49.18-2-84 on the site plan. The net lot area must be provided for this lot. In addition, the Town shall determine if any variances will be necessary to permit this easement. If any variances are required for the aforementioned lot, we request the opportunity to review them, as required by New York State General Municipal Law.
- 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. Parking maneuverability shall not be affected by the location of these features.
- 8 The required parking spaces must be illustrated on the site plan.
- 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.
- 11 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.
- 12 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 Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Anthony R. Celentano P.E.

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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.*