

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 3, 2020

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

Tax Data: 56.07-4-10

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/16/2020

Date Review Received: 1/30/2020

Item: *MAR & RIV, LLC (R-2597A)*

Variations to permit the construction of a room addition and deck for an existing three-family dwelling with three accessory apartments located on 0.204 acres in the R-15C zoning district. The variations required include front setback, front yard, side setback, total side setback, and wall height and setback. Variations were previously granted for front setback, front yard, rear setback, maximum development coverage, floor area ratio, rear setback deck, and wall height and setback.
West side of Route 306, approximately 825 feet north of Maple Avenue

Reason for Referral:

NYS Route 306, 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:

****Disapprove***

1 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 8,883 SF or 41 percent smaller than the 15,000 SF minimum lot area required for new three-family residences on conforming lots in the R-15C zoning district. An oversized residential structure was proposed that required a 20 percent increase above the maximum permitted floor area ratio and a 48 percent increase over the maximum permitted development coverage in 2017. Several yard and setback variations were also needed. More than 10 percent of the site is beyond the designated street line (DSL). As a result, two of the six required on-site parking spaces are located entirely within the DSL, and another two spaces are partially within the DSL.

The constructed residential building now requires additional variations for front setback, front yard, side setback, total side setback, and wall height and setback. As previously stated, the proposed residence will result in an overutilization of the site as evidenced by the number and the magnitude of the variations required. Given that this site benefits from the application of Section 376-131, the proposed number of units shall be reduced. We recommend that two accessory units be eliminated, and the building footprint be reduced. This will result in a

MAR & RIV, LLC (R-2597A)

reduced on-site parking requirement thereby decreasing the development coverage, as well as the yard and setback variances. It will also allow for a parking configuration that provides safe and easy access into and out of the site.

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 applicant is seeking to further reduce the front setback and front yard after a variance has previously been granted for these two requirements. They are also asking for additional variances for side setback and total side setback after all previous variances were granted. A 48 percent increase over the maximum permitted development coverage and a 20 percent increase over the maximum allowable floor area ratio has been also already been permitted. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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 size of the building and number of units must be reduced. No additional variances have shall be granted.

3 A variance is being sought from Section 376-52C. to permit a wall twelve feet in height along the property line. The site plan depicts this wall extending over the lot line and onto the adjacent property. This must not be permitted. The wall must be set back a distance that is 2/3 its height; in this case the wall must be eight feet from the lot line. The height of the wall must be reduced and it must be set back from the property line the appropriate distance.

The following comments address our additional concerns about the proposal:

4 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line 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.

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 or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The Town of Ramapo Building, Planning & Zoning Department's June 7, 2017 denial letter includes 19 comments from the Fire Inspector that must be satisfactorily addressed.

MAR & RIV, LLC (R-2597A)

- 9 A review must be completed by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 10 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.
- 11 It will difficult for a vehicle parked in spaces #3 or #6 to maneuver out of these spaces without a turnaround area. In addition, no building entrances are shown on the layout plan, making it difficult to assess the parking area in relation to pedestrian movement on the site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and all stairways and building entrances must be illustrated on the site plan so that safety issues can be properly evaluated.
- 12 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 13 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 14 The dumpster enclosure must be easily accessible to sanitation workers. Parked vehicles must not block access.
- 15 The site plan does not contain any map notes. These must be added to the site plan.
- 16 The site must be centered on the vicinity map.
- 17 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.
- 18 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.
- 19 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.
- 20 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
Monsey Fire District
New York State Department of State
New York State Department of Transportation
Rockland County Department of Health

MAR & RIV, LLC (R-2597A)

Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

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

Mar and Riv, LLC

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.