

**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*

September 28, 2020

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

**Tax Data:** 56.11-2-68

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

**Map Date:** 4/8/2009

**Date Review Received:** 8/28/2020

**Item:** *MOSES FRIEDMAN/10 GROVE STREET (R-2722)*

Variations for total side setback, rear setback, development coverage and deck rear setback to allow the construction of a three-family dwelling with three accessory apartments on .326 acres in an R-15C zoning district.

North side of Grove Street, approximately 170 feet west of Main Street

**Reason for Referral:**

NYS Route 306

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. 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. At 14,199 SF, the subject site achieves 95 percent of the minimum lot area required for a new three-family dwelling in the R-15C zoning district. The required variances are due to the size of the residential building and the number of units. The applicant is seeking a 30 percent increase over the maximum permitted development coverage. Several yard and setback variances are required for the large residential structure. The ability of the existing infrastructure to accommodate increased residential density on 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 building footprint must be reduced and fewer units proposed to achieve greater compliance with the R-15C bulk standards.

**MOSES FRIEDMAN/10 GROVE STREET (R-2722)**

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) 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. As noted above, the subject site is 14,199 SF or 5 percent smaller than the 15,000 SF minimum lot area required for new three-family residences on a conforming parcel in the R-15C zoning district. While the reduced lot width and street frontage requirements are achieved, the relaxed total side setback standard is not. A variance of more than 19 percent is needed. The rear setback and deck rear setback are also deficient. Given that this site benefits from the application of Section 376-131.D.(1), the building footprint and the number of units shall be reduced so that closer conformance with the applicable standards is achieved.

The following recommendations address our additional concerns about the proposal.

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

4 Town officials have previously 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 (ZBA) overrides our GML recommendations by granting variances to allow increased residential density 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 traffic congestion and pedestrian safety when evaluating variance applications.

5 The applicant shall comply with the conditions of the Rockland County Health Department's letter of September 22, 2020.

6 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 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 access and maneuverability on site for fire trucks, in the event an emergency arises.

9 It will be difficult for vehicles parked in spaces 3 and 4 to maneuver out of the spots without a turnaround area. No building entrances or exterior staircases are shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on 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 the building entrances and exterior stairways must be illustrated on the site plan so that safety issues can be properly evaluated.

10 It will be difficult for sanitation workers to access the garbage enclosure if a vehicle is parked in space 4. The garbage enclosure must be moved to a more accessible location.

11 All proposed building entrances, exterior stairways and window wells 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.

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

**MOSES FRIEDMAN/10 GROVE STREET (R-2722)**

13 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations. An aerial apparatus road is required if the proposed building is greater than 30 feet to the eaves.

14 Additional information must be provided about the accessory apartments so it can be determined if they comply with the provisions of Section 376-65.

15 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.

16 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.

17 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.

18 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 Department of Transportation  
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

Anthony R. Celentano, P.E.  
David Klein

Moses Friedman

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.*

**MOSES FRIEDMAN/10 GROVE STREET (R-2722)**

*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.*