Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 26, 2016

Suffern Zoning Board of Appeals
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.35-2-42

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/11/1984 **Date Review Received:** 8/22/2016

Item: ***JAN LUPINSKI (SU-306B)***

Variances for lot area, lot width, side yard and total side yard to allow the conversion of a two-family dwelling to a three-family dwelling. A large two-bedroom apartment will be divided into a standard two-bedroom unit and a studio apartment. The .1557-acre site is located in an MR-15 zoning district.
North side of East Park Place, 88 feet west of Park Avenue

Reason for Referral:

NYS Routes 59 and 202

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

1 A multi-family dwelling is defined in the Village's Zoning Code as a building containing three or more dwelling units. The proposed three-family dwelling is a permitted use in the MR- 15 zoning district. However, the subject site is significantly undersized. The building inspector's April 25, 2016 denial letter indicates that a minimum lot area of 48,100 SF is required for this proposal. Since the parcel is only 6,784 square feet, a lot area variance of almost 86 percent is necessary. The lot width is also non-conforming, and side yard and total side yard variances are required for the existing structure.

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, non-conforming lots 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 Village must consider the land use precedent, as well as the cumulative and regional impacts of permitting such development.

JAN LUPINSKI (SU-306B)

2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

3 The application materials must specify the number of bedrooms proposed in each of the three residential units since the minimum lot area requirement is a function of apartment size.

4 The February 11, 1984 property survey does not include a bulk table or an on-site parking requirement. Individual parking spaces are not shown on the parking area depicted on the survey. As per Section 266-23 of the Zoning Code, it appears that at least six parking spaces are required for the proposed three-family dwelling. Additional spaces are required if any unit contains more than three bedrooms. It does not appear that six parking spaces can be safely accommodated in the parking area. Additional information must be provided about the parking requirement and the number of parking spaces to be provided. We believe a parking variance is required. If the public hearing notice did not include all the required variances, it will have to be reissued.

5 The existing driveway is nine feet wide for most of its length. It can therefore only accommodate one vehicle. It is unclear how traffic conflicts within the driveway will be avoided. This must be clarified.

6 The proposed three-family dwelling must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration

Jan Lupinski

**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.