

NARRATIVE SUMMARY
PLANNING BOARD
Abe Kohn
17 Sterling Forest Lane
Tax Lot 48.11-1-13

This narrative summary is submitted in support of the Planning Board application for a permit pursuant to Chapter 191 Wetlands and Stream Protection and site plan approval pursuant to Section 195-63 of the Zoning Law to allow the construction of an addition to a single-family dwelling and a swimming pool. The property is located at 17 Sterling Forest Lane and is in the RR-50 Zoning District. The property has a gross lot area of 35,229 square feet. The property is burdened by NYSDEC wetlands which consists of 8,234 square feet. The net lot area is 26,995 square feet. The property is also located in a Wetlands, Waterbodies, and Streams Environmental Protection Overlay District (W-EPOD).

The project consists of the construction of 2,917 SF addition off the rear of the dwelling and the installation of an 18' x 36' swimming pool. Because the addition and pool fall within Wetlands, Waterbodies and Streams Environmental Protection Overlay District (W-EPOD) and within 100' feet of the wetlands, a permit is required from the Planning Board pursuant to Chapter 191 to disturb the regulated area. Site plan approval is required pursuant to Section 195-63(C) of the Zoning Code to disturb property within Environmental Protection Overlay Districts (EPOD).

NYSDEC APPROVAL

The proposed location of the addition and the pool are regulated by the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC issued a permit to allow disturbance in the adjacent area of the wetlands. A copy of the NYSDEC approval letter is attached. We have also submitted a copy of the full DEC permit application and the materials supporting the application.

SEQRA

The project should be classified as a Type II action pursuant to 6 NYCRR 617.5(c)(11) (construction or expansion of a single-family, a two-family or a three-family residence on an approved lot) and (12) (construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density). No environmental review is required for Type II action.

GML

The property is within 500' of the Mahwah River. Referral is required to the Rockland County Department of Planning for both the

VARIANCES

Based on the interpretation and determination of Building Inspector Adam Gordon, the provisions of Section 195-89(A) of the Zoning Code pertaining to nonconforming structures and lots apply to the subject property. As a result, the property is permitted to comply with the bulk

requirements of the “q” Use Group for the R-35 Zone regarding yard and setback requirements. However, the “h” Use Group for the RR-50 Zone applies regarding development coverage and FAR. As a result, variances will be needed as follows:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Side Yard (for pool)	30' ¹	24.9'
FAR	.15	.265 ²
Development Coverage	20%	22.2% ³

As discussed below, we have provided alternative layouts for the pool. Each alternative will still require variances as follows:

Alternate 1:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Front Yard to Sterling (for pool)	50'	5'
FAR	.15	.20

Alternate 2:

	<u>Required</u>	<u>Proposed</u>
Front Setback (for addition)	50'	30'
Front Yard (for addition)	50'	30'
Front Yard to Highgate (for pool)	50'	20.9
FAR	.15	.20

WAIVER

A waiver is requested pursuant to Section 195-16 of the Zoning Code. Section 195-16 permits the Planning Board to modify yard and setback requirements for single-family homes and accessory buildings in the ER-80 and RR-50 Zoning Districts by no more than 50% of the required distance where, in the Planning Board's judgment, the preservation of an environmental feature is deemed to be important.

Placing the pool in the current location is in accordance with the reviews conducted by the NYSDEC as part of the permit review process to disturb the regulated area within 100' feet of the edge of the wetlands. Relocating the pool to another portion of the property will bring the pool

¹ The side yard for the “q” use group is actually 20' and the pool would be in compliance. However, pursuant to Section 195-57(D), the distance to the lot line is to be measured from a point beginning 10 feet from the edge of the pool.

² The actual variance needed is subject to further determination of the Building Inspector regarding the whether gross lot area or net area is used to calculate FAR. If gross lot area is used, the project would have and FAR of .20.

³ The actual variance needed is subject to further determination of the Building Inspector regarding the whether gross lot area or net area is used to calculate development coverage. If gross lot area is used, the project would comply with the 20% development coverage and not variance will be necessary.

closer to the wetlands or relocate it into the front yard of the home along Sterling Forest Lane or Highgate Court. The entire rear of the property is located within the 100' buffer to the wetlands so nothing can be placed in the rear yard without encroaching the buffer.

We have provided 2 alternate locations for the pool. Alternate 1 relocates the pool out of the 100' buffer but the pool will now be in the front yard of the premises adjacent to Sterling Forest Lane and within 15' of the lot line. Because a pool is measured from a point 10' from the edge of the pool, the front yard would be reduced to 5.0 and require a variance from the 50' front yard requirement. Further, a swimming pool in that location in the front yard of a home is not very desirable and would be out of place and out of character with the area.

Alternate 2 relocates the pool behind the house. However, because the property is located on a corner lot and has 2 front yards, the pool would still be located within the front yard of Highgate Court requiring a variance from the 50' front requirement to 20.9'. Further, due to the grade of the rear yard, a retaining wall would have to be installed and the disturbance for the pool would be 38.1' from the wetlands resulting in a greater encroachment of the wetlands buffer. The current proposed location is 52.9' from the wetlands. The current location was also chosen and preferred because it is relatively flat and does not require excessive grading and construction of a retaining wall.

Locating the pool in the current spot maximizes the distance from the wetlands and respects a 50' buffer. Further the current location eliminates the need for a 6' high retaining wall that will encroach into the 50' buffer.

Based on Section 195-16 we are requesting that the Planning Board grant a waiver of the side yard requirement to permit the swimming pool to be located 24.9' from the side lot line.

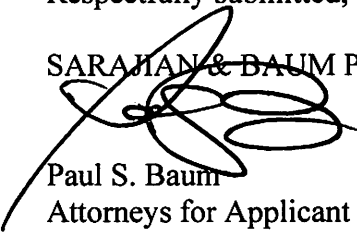
CONCLUSION

We respectfully request that the Planning Board grant a side yard waiver to permit the pool to be located 24.9' from the side lot line and to issue a permit and site plan approval to allow the construction of the addition and the pool in the W-EPOD and the regulated area of the wetlands. Appropriate protections will be used to prevent any impacts to the wetland areas.

Dated: April 9, 2025

Respectfully submitted,

SARAJIAN & BAUM PLLC


Paul S. Baum
Attorneys for Applicant