



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 30, 2014

ARLENE R. MILLER  
Deputy Commissioner

Kaser Zoning Board of Appeals  
P.O. Box 391  
Monsey, NY 10952

**Tax Data:** 56.08-1-14

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

**Map Date:** 6/27/2014

**Date Review Received:** 7/8/2014

**Item:** 6 *PHYLLIS TERRACE (KOZICKI) (K-49)*

Variations to permit a minor addition to an existing dwelling and addition to an existing deck, for a parcel located in the R-2 zoning district on .47 acres. Required variations include: side setback, total side setback, rear yard, and rear setback.

East side of Phyllis Terrace, approximately 100 feet south of Kaser Terrace

**Reason for Referral:**

Town of Ramapo

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 On March 1, 2012, this department issued GML comments on a proposed zoning code amendment to allow multiple dwellings in the R-2 zoning district as a special permit use. Although we were not opposed to the addition of this special permit use in the R-2 zone, we did not support the decision to relax the bulk standards for this more intensive land use. It is not possible to determine if the proposed bulk standards were adopted based on the information submitted with this application. The site plan-survey includes a bulk table with only some of the R-2 bulk standards. The bulk requirements for side setback, total side setback, rear setback, street frontage, parking, and floor area ratio are missing. The bulk table must include what is proposed in addition to all of the required bulk standards. All required variations must be indicated on the bulk table.

## **6 PHYLLIS TERRACE (KOZICKI) (K-49)**

2 By definition, special permit uses are subject to a higher standard of review. The proposed multiple dwelling must comply with the general special permit standards outlined in Article X, as well as the standards for this use specified in Section 1008. No recreation or open space, or on-site amenities such as group seating areas or landscaping, are indicated on the map as required in Section 1008.A. The driveways are not clearly defined, and no walkways are provided as required in Section 1008.B. Section 1008.C. requires that garbage enclosures be designed for easy access when putting garbage in the containers and at the time of collection. The proposal must meet all of the requirements for the special permit use.

3 The cover sheet and the Village of Kaser Building Department's denial letter dated June 25, 2014 indicate that variances are required for side setback, rear setback, and rear yard. The denial letter also indicates that a variance is required for total side setback. The bulk table and narrative from Brooker Engineering also seem to indicate that a variance is required for maximum development coverage, as the existing coverage already far exceeds the allowable amount of 55%, and is proposed to be increased by 0.6%.

Parking and floor area ratio bulk standards are not provided on the map, and these may be impacted by the additions. Given the fact that the floor area ratio measurement is not provided, it is difficult to determine if the existing building or the proposed addition meet the maximum standard of 98%. All application materials must be consistent, and the Village must determine whether other variances (maximum development coverage and floor area ratio) are required, which would need to also be advertised in the public hearing notice, and reviewed by this department.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is directly east of the site, at the rear of the property. 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 Town of Ramapo 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 Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 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 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 cumulative and regional impacts of permitting such development.

**6 PHYLLIS TERRACE (KOZICKI) (K-49)**

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

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser  
Rockland County Department of Health  
Rockland County Sewer District #1  
Brooker Engineering, PLLC  
Town of Ramapo  
New York State Department of State,  
Division of Code Enforcement and Administration

*\*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.*

