



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

EDWIN J. DAY  
County Executive

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 24, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 56.08-1-6

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

**Map Date:** 6/2/2014

**Date Review Received:** 6/25/2014

**Item:** *HS TRUST/18 PHYLLIS TERRACE (K-48A)*

Variances for side setback, total side setback, rear setback, rear yard, maximum development coverage, floor area ratio and parking space size to allow the construction, maintenance and use of a ten-unit, multi-family residence on .3087 acres in an R-2 zoning district.

East side of Phyllis Terrace, 105 feet north of Elliot Court

**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 In March of 2012, this department issued a General Municipal Law review of the text amendment adding multiple dwellings as a special permit use in the R-2 zoning district. While we were not opposed to allowing this special permit use in the R-2 zone, we did not support the decision to reduce the bulk standards for multiple dwellings. It is our understanding that proposed Local Law No. 2 of 2012 was adopted although we have not received a copy of the resolution or a revised Zoning Law.

The proposal before us does not conform to the less stringent bulk requirements currently in effect for multiple dwellings. Several setback variances are required as well as a 27 percent increase over the permitted maximum development coverage and a more than 19 percent increase over the maximum allowable floor area ratio. The multi-family residence must be scaled back to conform to the R-2 bulk standards.

**HS TRUST/18 PHYLLIS TERRACE (K-48A)**

2 Section 801.B. of the Zoning Law specifies that the minimum parking stall width shall be nine feet. The proposed parking spaces are only eight feet wide. A variance is therefore required. This variance is included in the bulk table on the June 2, 2014 site plan and noted in the application forms. It is also not included in the building inspector's June 13, 2014 denial letter. All application materials must be consistent. It is unclear whether the variance for parking stall width was included in the public notice for this proposal.

3 The project narrative does not indicate that a variance is required for floor area ratio. This must be corrected.

4 Given the discrepancies noted above, it may be necessary to schedule another public hearing for the review and consideration of all of the required variances. A corrected public notice must be issued that specifies each of the variations from the R-2 zoning requirements, as well as the minimum parking stall width standard.

5 The Town of Ramapo is the reason 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 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.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 27, 2014.

7 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 2, 2014.

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

**HS TRUST/18 PHYLLIS TERRACE (K-48A)**

9 The parking area is awkwardly configured. The narrow parking spaces and the minimal area provided for vehicles to maneuver in and out of parking spaces raise safety concerns. A vehicle parked in space #8 will only be able to reverse in a southwesterly direction due to the angle and its proximity to spaces #9 and 10. The same potential for traffic conflicts exists between spaces #2 and 3. The fact that the driveway entrance is not clearly defined exacerbates the safety deficiencies. Parking spaces must be eliminated, which will require a parking variance. As noted above, the proposal must be scaled back so that it conforms to all applicable standards. By decreasing the number of units, less parking spaces will be required, and the development coverage and floor area ratio will be reduced. In addition, on site amenities such as playground facilities and seating areas will be possible.

10 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 2 and 3. As currently configured, the location of the dumpster enclosure is not in compliance with Section 1008.C The dumpster enclosure must be moved to a more accessible location. Alternatively, parking spaces can be eliminated, which will result in the need for a parking variance.

11 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 a 27 percent increase over the permitted maximum development coverage and a more than 19 percent increase over the maximum allowable floor area ratio. 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.

  
\_\_\_\_\_  
Douglas J. Schuetz/  
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Anthony R. Celentano P.L.S.  
Town of Ramapo  
New York State Department of State,  
Division of Code Enforcement and Administration  
Fayge Abraham/HS Trust

*\*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.*

