



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 24, 2014

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

Tax Data: 56.08-1-8

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

Map Date: 4/5/2013

Date Review Received: 6/25/2014

Item: ISAAC ROSENBERGER/14 PHYLLIS TERRACE (K-47A)

Variances for side setback, total side setback, rear setback, rear yard, maximum development coverage and parking space size to allow the construction, maintenance and use of a ten-unit, multi-family residence on .2640 acres in an R-2 zoning district.

East side of Phyllis Terrace, opposite 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. The multi-family residence must be scaled back to conform to the R-2 bulk standards.

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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 April 5, 2013 site plan but it is not listed in any of the application materials. It is also not included in the building inspector's June 16, 2014 denial letter. It is unclear whether the variance for parking stall width was included in the public notice for this proposal.

3 Page 3 of the application form indicates that variances are required for side yard, total side setback, rear yard and maximum development coverage. The side yard variance is not included in the bulk table or the building inspector's denial letter. Although they are not noted on the application form, variances for side setback and rear yard are included in the bulk table and the building inspector's denial letter. These discrepancies must be corrected. All application materials shall be consistent.

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.

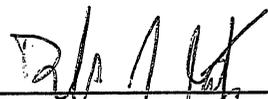
8 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 It will be difficult for vehicles in parking spaces 1 and 10 to exit out of these spaces without reversing directly onto Phyllis Terrace. A turnaround area must be provided at each end of the parking area so vehicles can safely exit the site. If this is not possible, parking spaces must be eliminated, which will result in the need for a parking variance.

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10 A garbage enclosure must be indicated on the site plan. It shall be in an accessible location as required in Section 1008.C. Parked vehicles must not prevent sanitation workers from accessing the garbage enclosure. Parking spaces may have to be eliminated to provide clear access to the dumpster, 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. 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
Isaac Roseberger

**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.

