COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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ARLENE R. MILLER
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June 4, 2015

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

Tax Data: 56.08-1-20

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

Map Date: 3/31/2015 **Date Review Received:** 5/5/2015

Item: ***5 ELLIOT COURT (K-32B)***

Variances for front setback, front yard, side setback, total side setback, side yard and parking to allow the construction, maintenance and use of an eight-unit addition to an existing two-family residence on .3891 acres in an R-2 zoning district.
South side of Elliot Court, 164 feet west of Phyllis Terrace

Reason for Referral:

NYS Route 306, 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:

***Disapprove**

Multi-family residences are allowed in the R-2 zoning district by special permit. By definition, special permit uses are subject to a higher standard of review. The proposal before us requires several yard and setback variances, and the on-site parking is deficient by 60 percent. This parcel fronts on the bulb of the Elliot Court cul-de-sac. Aerial photography flown in 2013 shows thirteen vehicles parked within the bulb. In fact, parking spaces are designated in this area with striping. This arrangement raises serious emergency access concerns. Twelve additional vehicles are parked along the perimeter of the cul-de-sac. Ten or more vehicles are parked haphazardly on the parcel on the southwest corner of Elliot Court and Phyllis Terrace. Additional vehicles are parked along the Phyllis Terrace frontage of this lot. Clearly, there is a serious on-site parking shortage in this neighborhood. The applicant references a "deal" with Congregation Khal Torath Chaim in which eight parking spaces on the school site will be reserved for the multi-family residence in exchange for an 8-foot wide walkway connection to the school site. No documentation verifying this arrangement has been submitted.

The bulk table indicates that the proposed development coverage is conforming at 55 percent. Given the size of the building footprint, the four parking spaces, the driveway area and the eight-

foot wide walkway along the western property line, it appears that the maximum permitted development coverage is exceeded. A development coverage calculation must be included on the site plan. The bulk table must be corrected if the development coverage exceeds 55 percent. The public hearing notice will also have to be reissued.

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.

We believe that an addition of eight units will result in an overutilization of the site as evidenced by the number of variances and the significant on-site parking deficiency on this site, as well as the neighboring parcels. The proposed addition must be scaled back and the number of units reduced to more closely conform to the R-2 bulk standards.

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
Rockland County Office of Fire and Emergency Services
New York State Department of Transportation
Robert R. Rahnefeld, P.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Avrohom N. Neiman

Rockland County Planning Board Members

**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.