Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 22, 2016

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

Tax Data: 49.19-1-9

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/18/2016

Date Review Received: 8/19/2016

Item: ***173 Route 306 LLC (K-55A)***

Variances for front setback, front yard, side setback, total side setback, rear setback, rear yard and maximum development coverage to allow the construction, maintenance and use of a nine-unit multi-family residence on .2518 acres in an R-2 zoning district.

West side of Route 306, opposite Rita Avenue

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:

***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.

The proposal before us does not conform to the less stringent bulk requirements currently in effect for multiple dwellings. Several setback and yard variances are required as well as a 45 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 Special permit uses are by definition subject to a higher standard of review than as-of-right uses. In addition to complying with the bulk requirements of the zone in which it is proposed, the proposed multiple dwelling must meet the supplementary regulations outlined in Section 705 of the Zoning Local Law. The Village of Kaser shall be satisfied that the proposal also complies with the general conditions for special permit uses outlined in Section 1006, as well as the supplemental standards for this use included in Section 1008.

3 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 45 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density in structures requiring area variances 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.

4 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.

5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the northern and southern property lines 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 August 23, 2016.

7 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of September 7, 2016.

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

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village fire inspector or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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10 Six of the proposed on-site parking spaces are located beyond the designated street line (DSL). Spaces 3, 6 and 9 are entirely outside of the DSL; spaces 2, 5 and 8 straddle the DSL. This is unacceptable. Future road widening projects along Route 306 may result in the elimination of up to two-thirds of the required parking spaces. As noted above, this proposal must be scaled back. The building footprint and the number of units must be reduced so that the required on-site parking can be provided inside of the DSL.

11 It will difficult for vehicles parked in spaces 1, 4 and 7 to maneuver out of these spaces without a turnaround area. No sidewalks, stairways, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the sidewalks, stairways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

12 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

13 The site plan is lacking several features that must be provided. These include a vicinity map with a north arrow and scale, the tax lot identification number and map notes that list all appropriate information, including the district details.

14 The site plan is difficult to read since the proposed multi-family residence and related parking is drawn over the existing conditions. It is unclear what the linear feature on the western side of the site is or if it is to remain. A separate existing conditions map must be submitted. The site plan must include a legend that identifies all symbols on the drawing.

15 The wrong tax lot identification number is listed on all of the application forms, as well as the August 15, 2016 denial letter from the Village of Kaser Building Department and the GML referral form. As noted above, the tax lot identification number is not included on the site plan. The public hearing notice will have to be reissued if it did not contain the correct tax lot identification number.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Town of Ramapo

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**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.