

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

December 21, 2016

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

**Tax Data:** 49.20-1-67

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

**Map Date:** 11/14/2016

**Date Review Received:** 11/18/2016

**Item:** **32 PHYLLIS TERRACE (K-56B)**

Court yard variance to permit the construction of a three-story, ten-unit, multi-family dwelling located on .23 acres in the R-2 zoning district. Previously granted variances include: side setback, total side setback, rear setback, rear yard, maximum development coverage, and floor area ratio.  
East side of Phyllis Terrace, approximately 133 feet north of Lenore Avenue

**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 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 generous floor area ratio is exceeded by almost 31%, and the maximum development coverage is over by almost 37%. The ability of the existing infrastructure to accommodate increased residential density in oversized structures 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. The building footprint of the multi-family dwelling must be scaled back, and the number of units reduced, so that it more closely conforms to the R-2 zoning standards.
- 2 The entrances for the building/units must be clearly shown. No more than two entrances are permitted on the front of the dwelling facing the road.

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3 The garbage enclosure is located directly behind the southern parking spaces, along the property boundary. If vehicles are parked in these spaces, access to the garbage enclosure, by both the carrier and the residents, will be impossible. The garbage enclosure must be moved to a more accessible location, as required in Section 705(e).

4 Two of the proposed parking spaces are located within the five-foot wide shade tree easement. The parking spaces must be relocated so that parking spaces are not located within this easement.

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

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Kaser Fire Inspector, or the Monsey Fire Department, to ensure that there is sufficient maneuverability on site for fire trucks, and accessibility to firefighters, in the event an emergency arises.

7 The applicant must comply with the conditions of the November 22, 2016 letter from the Rockland County Department of Health.

8 The applicant must comply with the conditions of the December 2, 2016 letter from the Rockland County Sewer District #1.

9 It will difficult for a vehicle parked in spaces #5 and #6 to maneuver out of the space without a turnaround area. The proximity of the two free standing decks and the room overhang is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will walk directly into the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway. It must also be clarified what the height of the room overhang and the free standing decks are, as it appears they overlap with the parking space.

10 The Town of Ramapo is the reason this proposal was referred to this department for review. The Ramapo municipal boundary is along the southern 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.

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

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12 The bulk table must include a footnote indicating when the previous variances were granted. The asterisk must be changed to coincide with the new footnote.

  
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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  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Anthony R. Celentano P.L.S.  
Town of Ramapo

Chaim Y. Hirsch

*\*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.*

*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.*

