

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

April 11, 2017

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

**Tax Data:** 49.19-2-4.5

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

**Map Date:** 1/30/2017

**Date Review Received:** 2/24/2017

**Item:** *151 ROUTE 306 (K-58B)*

Variances for court yard, front setback, front yard, total side setback, rear setback, rear yard, maximum development coverage and floor area ratio to allow the construction, maintenance and use of an addition to and the conversion of a three-family residence to a multi-family residence consisting of six units. The .2414-acre site is in an R-2 zoning district.

West side of Route 306, immediately north 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***

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 they are proposed, they must meet the supplementary regulations listed in Section 705 of the Zoning Ordinance of the Village of Kaser, as well as the general and individual special permit criteria outlined in Sections 1006 and 1008 under Article X for Special Permit Standards. The proposed floor area ratio is 31% greater than the maximum permitted; the maximum development coverage is exceeded by close to 46%. Multiple setback and yard variances are also required. The six-unit, multi-family residence will result in a gross overutilization of this site as evidenced by the number and the magnitude of the variances required. The footprint of the proposed residential building must be scaled back, and the number of units reduced, to more closely conform to the R-2 bulk standards.

The following comments address our additional concerns about the special permit and site plan applications.

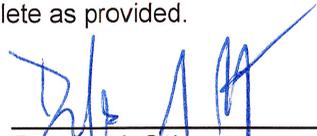
## **151 ROUTE 306 (K-58B)**

- 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. As indicated above, the generous floor area ratio is exceeded by almost 31%, and the maximum development coverage is over by almost 46%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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. As noted above, the footprint of the multi-family building must be scaled back, and the number of units reduced, so that it more closely conforms to the R-2 zoning standards.
- 2 A review must be completed by the New York State Department of Transportation and all required permits obtained.
- 3 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 western 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.
- 4 The conditions of the March 16, 2017 letter from the Rockland County Department of Health must be met.
- 5 The comments in the March 24, 2017 letter from the Rockland County Sewer District #1 must be met.
- 6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 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. As currently configured, access to the proposed addition for firefighting equipment is very constrained, resulting in an unsafe condition.

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8 It will be difficult for vehicles parked in spaces 1 and 4 to safely exit given the proximity of the proposed 6-foot retaining wall. A turnaround area must be provided. The proposed steps on the south side of the building descend directly into space 4 creating an unsafe condition for the residents. As noted above, the number of units must be reduced. Fewer units will require fewer parking spaces, thereby creating a safer parking configuration.

9 The site plan is lacking several features that must be provided. These include an engineer's seal and map notes that list all appropriate information, including the district information. These features must be included on the site plan. The engineer for the applicant has been personally reminded of these requirements. The present site plan is incomplete as provided.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser  
New York State Department of Transportation  
New York State Department of State  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Anthony R. Celentano P.L.S.  
Town of Ramapo

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.*

*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.*

