Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 15, 2018

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

Tax Data: 49.20-1-16

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/29/2018 **Date Review Received:** 9/14/2018

Item: ***12 RITA AVENUE (K-37B)***

Variances for front setback, front yard deck, side setback, total side setback and maximum development coverage to allow the conversion of, and an additon to, an existing two-family residence to an eight-unit multiple dwelling on .2587 acres in an R-2 zoning district.

East side of Rita Avenue, approximately 140 feet north of Jill Lane, and west side of Jill Lane, approximately 495 feet south of Ralph Boulevard

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 applicant is seeking a 36.4 percent increase over the maximum permitted development coverage, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density requiring multiple 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. The proposed building footprint and the number of units must be reduced to more closely comply with the R-2 bulk standards, as well as the applicable special permit requirements for multiple dwellings.

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2 By definition, special permit uses are subject to a stricter standard of review. The Village Board must be satisfied that the proposed multiple dwelling conforms to Sections 705, 800.B.5., 1006 and 1008 before the ZBA grants any bulk variances. Room dimensions are not provided so compliance with Section 705.(a) cannot be determined. The building entrances are not indicated on the map so it is not possible to determine if the proposal complies with Section 705.(b). No recreation or open space, or seating areas, are shown as required in Section 1008.A. Walkways are not indicated on the map as required in Section 1008.B. It will be difficult for residents and sanitation workers to access the dumpster enclosures as designed, and especially so, if vehicles are parked in spaces 4 and 5, so Section 1008.C. is not achieved. The Village Board must require that the applicant complies with all of the applicable special permit standards.

3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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 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 accessibility on site for fire trucks, in the event an emergency arises.

8 All proposed building entrances, exterior stairways, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

9 It will difficult for vehicles parked in spaces 2, 4, 5 and 8 to maneuver out of these spots without a turnaround area. No building entrances, exterior stairways or walkways are 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. Turnaround areas must be provided so that vehicles do not have to back out into the roadway, and the building entrances, exterior stairways and walkways must be illustrated on the site plan so that safety issues can be properly evaluated. In addition, it must be clarified if handicapped parking spaces are required for this multifamily housing proposal.

10 The bulk table must specify the front yard and front setback variances are required for both Rita Ave and Jill Lane since the property has frontage on both streets.

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11 It is unclear what the rectangular area west of parking space 2 represents. This must be clarified.

12 A front yard deck is not shown on the plans but is referenced in the bulk table. Clarification must be provided.

13 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

14 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

15 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
Rockland County Department of Health
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

Harry C. Gottlieb

**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.