



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Commissioner

March 25, 2014

ARLENE R. MILLER
Deputy Commissioner

Kaser Zoning Board of Appeals
P.O. Box 391

Monsey, NY 10952

Tax Data: 49.1⁹~~6~~-1-6.4 49.1⁹~~6~~-1-6.3 49.1⁹~~6~~-1-6.2 49.1⁹~~6~~-1-6.1

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

Map Date: 1/2/2014

Date Review Received: 2/24/2014

Item: 221 - 223 BLAUVELT ROAD (K-45A)

Variations for number of on-site parking spaces, parking location and parking stall width to allow the conversion of an existing four-family residence to a 12-unit multi-family dwelling on .3512 acres in an R-2 zoning district.

West side of Blauvelt Road, 195 feet south of Cedar Lane

Reason for Referral:

Town of Ramapo, NYS Route 306

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 although we have not received a copy of the resolution or a revised Zoning Law.

The proposal before us does not conform to the less stringent bulk requirements currently in effect for multiple dwellings. As noted above, variations are required for number of on-site parking spaces, parking location and parking stall width. A bulk table is not provided on the site plan so it is not possible to determine what other variations are required. The proposed conversion to a multi-family residence must be scaled back to more closely conform to the R-2 bulk standards for this use.

2 Applications to the Zoning Board of Appeals must include a site plan with a bulk table indicating the required bulk standards and what is proposed.

221 - 223 BLAUVELT ROAD (K-45A)

3 If additional bulk variances are needed, another public hearing must be scheduled for review and consideration of all the required variances. A corrected public notice must also be issued that specifies each of the variations from the R-2 zoning requirements.

4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the rear property line of the site and across the street along Blauvelt Road. 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.

5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 18, 2014.

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

8 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.

221 - 223 BLAUVELT ROAD (K-45A)

9 There are two driveways depicted on the survey. The southern driveway is gated and a row of hedges is shown along the Blauvelt Road frontage between the two driveways. Access to, and maneuvering in and out of some of the proposed parking spaces is not possible as shown. A block wall is located to the north of parking spaces 3 and 4, and another one is shown to the south of parking spaces 5 and 6. An electric box is situated between these two parking areas. The northern driveway is 16 feet wide; the width of the southern driveway is 17 feet. The width of both driveways is less than the length of the average car. Vehicles backing out of parking spaces 3, 4, 5 and 6 do not have sufficient turning radii to exit these spaces. Parking spaces 2 and 7 are located on or near railroad ties, decks or staircases rendering them useless, and cannot be counted towards the minimum parking requirement.

The proposed on-site parking must be clarified. Parking spaces shall be appropriately sized and accessible. Vehicles must be able to safely maneuver in to and out of each parking space in order for the space to be considered a legitimate parking spot.

10 Twelve on-site parking spaces are required for this proposal; only eight on-site parking spaces are proposed. As noted above, most of the eight parking spaces are not practical or accessible. A parking variance of more than 33 percent is therefore required. Given that one parking space is required for each unit in a multiple dwelling, we recommend that the number of units be reduced so that all the required parking can be provided on-site.



Thomas B. Vanderbeek, P.E.
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
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Eliyahu Zeigerman

**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.

