COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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July 15, 2014

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 56.10-4-49.306

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

Map Date: 8/22/2013 **Date Review Received:** 6/16/2014

Item: ***MORDECHIE ILOVITS/35 WITZEL COURT (R-1490FF)***

Parking variance to allow the conversion of the garage in an existing townhouse to living space. The condominium unit is one of 53 units contained in eight buildings on a 5.91-acre parcel in the R-15MR zoning district.

West side of Witzel Court, 515 feet north of Horton Drive

Reason for Referral:

New York State Thruway, Village of Airmont

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

While the conversion of the garage to living space will not directly impact the New York State Thruway or the Village of Airmont, it does give rise to other concerns. We therefore offer the following recommendations.

1 The Terrace View Estates development consists of 179 multi-family units. These units are comprised of 104 townhouses and 75 apartments. The on-site parking requirement for townhouses is two spaces per unit; the parking requirement for apartments is 1.5 spaces per unit. The seven units in Building 5C are designated as townhouses not apartments. Therefore, two parking spaces are required for this unit. The December 16, 2013 project narrative incorrectly indicates that the parking requirement is 1.5 spaces. As a result, the parking variance is also understated. The application materials must be corrected to reflect the townhouse parking requirement, and the map shall include a bulk table detailing the R-15MR bulk standards, including parking.

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2 A 50 percent reduction in the on-site parking is significant, and will set an undesirable land use precedent. This department has reviewed eight other applications for properties within this development seeking the same relief - six on Witzel Court, one on Bates Drive and one on Horton Drive. This building fronts on the cul-de-sac bulb of Witzel Court. Inadequate on-site parking will result in vehicles being parked in the street. Aerial photography available to this department shows eight vehicles parked within the cul-de-sac bulb, and an additional five vehicles parked along the perimeter of the macadam area beyond the cul-de-sac bulb. These are not designated parking spaces and raise concerns about vehicle maneuverability and traffic safety, as well as the adequacy of the current parking requirement. The Town must evaluate current conditions to determine whether a parking variance is appropriate given the number of vehicles parked along Witzel Court, Horton Drive and Bates Drive.

3 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. Vehicles parked in the cul-de-sac will prevent fire trucks and other emergency vehicles from accessing the multi-family residential units. In a letter dated June 23, 2014, Chief Chris Szklany noted that congestion caused by on-street parking in this neighborhood will have an adverse effect on fire protection.

4 Floor plans are not included in the application materials so it is not possible to determine if the additional living space is a bedroom or an accessory unit. This must be clarified.

5 The proposed conversion of the garage to living space must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
Rockland County Office of Fire and Emergency Services
Jay A. Greenwell, PLS
Village of Airmont
New York State Department of State,
Division of Code Enforcement
Monsey Fire District
Mordechie Ilovits

**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.