



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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DOUGLAS J. SCHUETZ  
Acting Commissioner

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Deputy Commissioner

July 31, 2015

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

**Tax Data:** 56.10-4-64.404

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

**Map Date:**

**Date Review Received:** 7/14/2015

**Item:** *YEHUDA & CHAYA SILBERSTEIN (R-1490RR)*

Parking variance to allow the conversion of a garage in an existing townhouse to living space. The condominium unit is one of 37 units contained in four buildings on a 3.03-acre parcel in the R-15-MR zoning district.

West side of Bates Drive, approximately 350 feet north of Horton Drive

**Reason for Referral:**

New York State Thruway, NYS Route 59

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 Route 59, 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. Three of the nine units in Building 4D are designated as townhouses; the remaining six units are apartments. It appears that this is a townhouse so two parking spaces are required for this unit. The map shall include a bulk table detailing the R-15MR bulk standards, including parking.

**YEHUDA & CHAYA SILBERSTEIN (R-1490RR)**

2 A 50 percent reduction in the on-site parking is significant, and will set an undesirable land use precedent. This department has reviewed 17 other applications for properties within this development seeking the same relief - 13 on Witzel Court, three on Bates Drive and one on Horton Drive. This building fronts on Bates Drive and is approximately 300 feet north of Horton Drive. Inadequate on-site parking will result in vehicles being parked in the street. Aerial photography available to this department shows several vehicles parked along the curb on Bates Drive. One or two vehicles are also parked in most driveways. In addition, on garbage collection days, trash receptacles are placed along the curb, occupying much of the street side parking. The Town must evaluate current conditions to determine whether a parking variance is appropriate given the number of vehicles parked along the streets in this neighborhood.

3 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles if parking occurs on both sides of the roads. Multiple vehicles parked along the street 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. Chief Szklany reiterated these concerns in a letter dated March 2, 2015. The June 5, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning department includes comments from Chief Fire Inspector Thomas Buckley. He also notes that emergency access can be slowed without proper on-site parking.

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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Thruway Authority  
New York State Department of Transportation  
Rockland County Office of Fire and Emergency Services  
Tallman Fire District  
  
New York State Department of State,  
Division of Code Enforcement and Administration  
Yehuda & Chaya Silberstein

*\*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.*