

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 19, 2017

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

Tax Data: 56.10-4-49.701

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

Map Date: 11/16/2016

Date Review Received: 3/8/2017

Item: *ELIEZER MARKOWITZ (R-1490VV)*

Parking variance to allow the conversion of a garage in an existing townhouse to living space. The condominium unit is one of 57 units contained in nine buildings on a 5.91-acre parcel in the R-15MR zoning district.

East side of Horton Drive, approximately 385 feet south of Bates Drive

Reason for Referral:

New York State Thruway

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, 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 four units in Building 5G are designated as townhouses not apartments. Therefore, two parking spaces are required for this unit. The map shall include a bulk table detailing the R-15MR bulk standards, including parking.

ELIEZER MARKOWITZ (R-1490VV)

2 A 50 percent reduction in the on-site parking is significant, and will set an undesirable land use precedent. This department has reviewed 21 other applications for properties within this development seeking the same relief - 16 on Witzel Court, four on Bates Drive and one on Horton Drive. This building fronts on Horton Drive. Inadequate on-site parking will result in vehicles being parked in the street. Aerial photography available to this department shows 13 vehicles parked along both sides of this segment of Horton Drive. An additional seven vehicles are parked further along Horton Drive, southeast of the site. This curbside parking raises concerns about emergency vehicle maneuverability and traffic safety, as well as the adequacy of the current parking requirement. 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 Witzel Court, Horton Drive and Bates Drive.

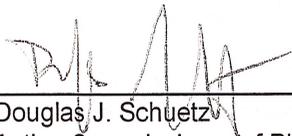
3 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed garage conversion must be held to the requisite minimum standards and comply with all requirements of this code.

4 A review must be completed by the County of Rockland Office of Fire and Emergency Services or 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 date March 2, 2015.

5 The Town of Ramapo Building, Planning and Zoning Department's December 14, 2016 denial letter includes comment from the Fire Inspector that must be addressed. The sprinkler system shall be reconfigured, as needed, to provided proper coverage. Smoke and carbon monoxide detectors shall be configured to meet the code.

6 The vicinity map on the November 16, 2016 Survey for 76 Horton Drive depicts five separate units in Building 5G. This building contains four units. The vicinity map must be revised.

7 The site plan shall contain map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District
Anthony R. Celentano P.L.S.

Eliezer Markowitz

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**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.

