



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 12, 2018

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

Tax Data: 56.10-4-49.806

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

Map Date: 2/23/2018

Date Review Received: 4/17/2018

Item: *MENDEL SCHWIMMER/199 BATES DRIVE (R-1490WW)*

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.

South side of Bates Drive, approximately 120 feet east of Horton Drive

Reason for Referral:

NYS 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. A 50 percent reduction in the on-site parking is significant, and will set an undesirable land use precedent. This department has reviewed 22 other applications for properties within this development seeking the same relief - 16 on Witzel Court, four on Bates Drive and two on Horton Drive. This building fronts on Bates Drive. Inadequate on-site parking will result in vehicles being parked in the street. Aerial photography available to this department shows 12 vehicles parked along both sides of this segment of Bates Drive. Vehicles are also parked along Horton Drive to the west 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 Bates Drive, Horton Drive and Witzel Court.

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2 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 ten units in Building 5H are designated as townhouses not apartments. Therefore, two parking spaces are required for this unit. The application materials indicate that 1.5 spaces are proposed. It is unclear how a half space will be provided. With the elimination of the garage, only the driveway will be available for parking, providing space for one vehicle. Stacked parking must not be permitted. The application materials must be corrected to indicate that only one parking space will be provided.

3 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector 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.

4 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.

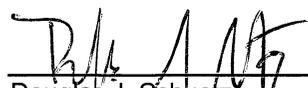
5 Floor plans are not included in the application materials so it is not possible to determine if the additional living space is a bedroom or any accessory unit. This must be clarified.

6 The incorrect zoning designation is listed on the GML referral form, the application form, the project narrative, the site plan and the Building Department's denial letter. The townhouse is located on a parcel with the R-15MR zoning district. All application materials must be corrected to reflect this zoning designation. The public hearing notice will have to be reissued if it contained inaccurate information.

7 Note 2 on the map specifies that the site is within the Monsey Fire District. It is our understanding that it is located in the Tallman Fire District. This information must be confirmed, and the map note corrected.

8 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.

9 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: Supervisor Michael B. Specht, Ramapo
New York State Thruway Authority
New York State Department of State

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Rockland County Office of Fire and Emergency Services
Tallman Fire District

Anthony R. Celentano P.L.S.

Mendel Schwimmer

Mona Montal, Chief of Staff

**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.

