

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 13, 2016

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

Tax Data: 56.08-2-54

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

Map Date: 10/10/2016

Date Review Received: 11/10/2016

Item: *BROCHA HOMES, LLC. (R-850C)*

Variations for lot area, lot width (Suzanne Drive), front setback (Suzanne Drive and Maple Avenue), front yard (Suzanne Drive and Maple Avenue), side setback, side yard, rear yard, rear setback, maximum development coverage, floor area ratio, deck rear setback and distance of access from street intersection to allow the construction, maintenance and use of additions to and the conversion of an existing two-family residence to a three-family residence with three accessory apartments on .2365 acres in an R-15C zoning district.

Northeast corner of Maple Avenue and Suzanne Drive

Reason for Referral:

Village of Kaser

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 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 applicant is seeking a 40 percent increase over the maximum permitted development coverage, as well as a ten percent increase in floor area ratio. Several yard and setback variances are also required. The ability of the existing infrastructure to accommodate increased residential density on undersized and non-conforming parcels 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 Town must consider the cumulative and regional impacts of permitting such development. The building footprint and the number of units shall be reduced to more closely comply with the R-15C bulk standards.

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2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 450 feet northwest of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Ramapo.

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 residential building must be held to the requisite minimum standards and comply with all requirements of this code.

As shown, the proposed residential building will require variances from the New York State Uniform Fire Prevention and Building Code since decks and window wells are located within ten feet of the property line.

4 The Town of Ramapo Building, Planning & Zoning Department's November 3, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 1) sprinklers must comply with NFPA 13R;
 - 2) fire department connections must be mounted on the street front of the building;
 - 3) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS IGC 507.3;
 - 4) if a portion of the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS IFC D105;
 - 5) truss signs shall be provided as per NYS and Rockland County;
 - 6) all egress components shall comply with Chapter 10;
 - 7) sufficient parking shall be provided so that Fire Department access is not blocked;
 - 8) Knox-Box is to be shown on the plans as per Section 506 NYS IFC;
 - 9) emergency and exit lights are to be shown on the plan, if applicable, to comply with NYS IFC;
 - 10) all basement storage areas are to meet the separation requirements of Table 508.4 NYS IFC;
- and
- 11) if the top floor level is located more than 30 feet above the lowest level of Fire Department vehicle access, a standpipe system shall be installed as per Section 905.3.1

5 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

6 It will difficult for vehicles parked in spaces 3 or 4 to maneuver out of these spaces without a turnaround area. The proximity of the proposed addition on the west side of the dwelling is a concern. It is unclear if the addition will serve as a building entrance, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A concrete walk is shown on the map terminating directly behind space 3 raising additional concerns about pedestrian safety. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the building entrances and all stairs must be illustrated on the site plan so that safety issues can be properly evaluated.

7 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster shall be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

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8 The final disposition of the macadam drive on the Maple Ave frontage must be clarified. Eliminating this second driveway will reduce the extent of the variance required for development coverage.

9 The Town of Ramapo Building, Planning & Zoning Department's November 3, 2016 denial letter does not indicate that a variance is required for lot area. This variance is specified in the project narrative and shown on the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not contain all required variances.

10 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
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano, P.L.S.
Village of Kaser

Sholem Oberlander

**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.

