



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 4, 2016

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

**Tax Data:** 50.17-2-2

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

**Map Date:** 4/19/2016

**Date Review Received:** 8/31/2016

**Item: MOSES BRULL (R-1885A)**

Variances for lot width, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family residence with one accessory apartment on .2122 acres in an R-15C zoning district. A fence setback variance is also required.

West side of Twin Avenue, 55 feet south of Park Street and 100 feet north of Franka Place

### Reason for Referral:

Village of Spring Valley

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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the southern property line of the site. The zoning designation for this area is R-2, a low density residential district characterized by one- and two-family dwellings. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Spring Valley must be given the opportunity to review the proposal and its impact on

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community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is deficient in meeting the minimum lot width and street frontage requirements. The applicant is seeking a 36 percent increase over the maximum permitted development coverage, as well as several setback variances. The building footprint and the number of units must be reduced so that the proposal more closely conforms to the R-15C zoning requirements.

3 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 ability of the existing infrastructure to accommodate increased residential density on undersized, 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.

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 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 a variance from the New York State Uniform Fire Prevention and Building Code since the proposed walkways are located closer than ten feet to the property line. In addition, since the building height has not been specified, it cannot be determined if the building is greater than 30 feet to the eaves. This information must be provided.

5 As indicated in the July 11, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments that must be addressed. These include:

- 1) sprinklers must comply with NFPA 13R;
- 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS IFC Appendix B Table 105.1;
- 3) 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 Appendix D Section D105;
- 4) exterior exit stairways and walkways are not permitted within 10 feet of the property line as per NYS IFC 1027.5.
- 5) the location of the nearest fire hydrant must be shown;
- 6) fire department connections must be mounted on the street side of the building;
- 7) carbon monoxide detectors are required as per NYS IFC 915.1.1; and
- 8) an additional fire hydrant may be required if there is not one within 600 feet of the furthest point of the building as per NYS Fire Code 508.5.1 exception 2.

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- 6 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 8 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 9 It will difficult for a vehicle parked in space #1 to maneuver out of the space without a turnaround area. No stairways or building entrances are shown on the site plan, 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 turnaround area must be provided so that vehicles do not have to back out into the roadway; the stairways and building entrances must be illustrated on the site plan so that safety issues can be properly evaluated.
- 10 The Town of Ramapo Building, Planning & Zoning Department's July 11, 2016 denial letter indicates that a variance is required for fence setback. This variance is not included in the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not include all required variances.
- 11 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements or parking maneuverability for the site.
- 12 The site plan shall contain map notes that list all appropriate information, including the district details.
- 13 The site plan must include the engineer's stamp or seal.

  
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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,  
Division of Code Enforcement & Administration  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Anthony R. Celentano P.L.S.  
Village of Spring Valley

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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.*

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*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.*