

**DEPARTMENT OF PLANNING**

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

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

December 14, 2016

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

**Tax Data:** 56.15-3-16

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

**Map Date:** 7/29/2016

**Date Review Received:** 11/10/2016

**Item:** ***KHAL BNEI MORDCHAI/1 FRED ELLER DRIVE (R-2584)***

Variations for lot area, lot width, side setback, total side setback, street frontage, maximum development coverage and floor area ratio to allow the construction, maintenance and use of a two-family residence with one accessory apartment on .2633 acres in an R-15A zoning district.

South side of Fred Eller Drive, approximately 130 feet west of Saddle River Road

**Reason for Referral:**

Saddle River Road (CR 73), Monsey Glen County Park, Old Nyack Turnpike (CR 52), 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***

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 lot is deficient in meeting the minimum lot area, lot width and street frontage requirements. The applicant is seeking a 62.5 percent increase over the maximum permitted floor area ratio, as well as a 27 percent increase over the maximum allowable development coverage. 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-15A bulk standards.

2 A review must be completed by the of Rockland County Highway Department and any required permits obtained.

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3 A review must be completed by the Rockland County Division of Environmental Resources and any concerns addressed.

4 A review must be done by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

5 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.

6 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 a porch is located within ten feet of the property line.

7 The Town of Ramapo Building, Planning & Zoning Department's September 13, 2016 denial letter contains comments from the Fire Inspector 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 Fire Code 508.3;
- 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 D105;
- 4) the location of the nearest fire hydrant must be shown;
- 5) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7;
- 6) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3;
- 7) an additional fire hydrant may be required if the furthest point of the building does not fall within 600 feet of the closest fire hydrant as per NYS Fire Code 508.5.1 exception 2.
- 8) if a portion of the building is within 10 feet of the property line, a one-hour rated exterior wall is required to comply with NYS Building Code Section 602.

8 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.

9 It will difficult for vehicles parked in space 3 to maneuver out of this space without a turnaround area. The proximity of the residential structure is a concern. It is unclear if the entrance is proposed on the north side of the building, 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, and the building entrances, all stairs and walkways must be illustrated on the site plan so that safety issues can be properly evaluated.

10 As noted above, all proposed building entrances, stairs and walkways, as well as window wells, must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

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11 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.

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



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
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.  
Construction Expediting, Inc.  
  
Khal Bnei Mordchai

*\*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.*

