

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 5, 2016

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

Tax Data: 50.17-1-41

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

Map Date: 5/26/2016

Date Review Received: 8/31/2016

Item: *WOLF KRAUS (R-2578)*

Variances for lot area, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family dwelling with three accessory apartments on .3283 acres in an R-15C zoning district. A variance is also required for outer court dimensions.

South side of Elish Parkway, 50 feet west of Vincent Road

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 approximately 490 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Ramapo.
- 2 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.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

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4 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 30 percent increase over the maximum permitted development coverage, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 must be reduced so that the proposal more closely complies with the R-15C bulk requirements.

5 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 as the proposed walks are located closer than ten feet to the property line. In addition, since no specific building height has been provided, it cannot be determined if the building is greater than 30 feet to the eaves. This information must be provided.

6 The Town of Ramapo Building, Planning & Zoning Department's July 11, 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 Fire Code Appendix D Section D105;
- 4) the location of the nearest fire hydrant must be shown;
- 5) 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.;
- 6) the fire alarm must be connected to 44 Control;
- 7) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7;
- 8) exits, stairways and ramps are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3;
- 9) the courtyards appear to be less than ten feet apart so one-hour rated exterior walls are required for both sides; and
- 10) garages must also be sprinklered.

7 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.

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8 The configuration of the proposed parking spaces is awkward. The turnaround area is also the entrance to the proposed garage spaces. The potential for conflicts between vehicles exiting the garage spaces and spaces 1, 2, 5 and 6 is great. As noted above, the building footprint and number of units must be reduced so that the required on-site parking can be safely configured. Garage spaces are not ideal. This department has witnessed an increasing trend toward garage conversions.

9 All proposed entrances and stairways must be illustrated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

10 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in space 1. The dumpster enclosure must be moved to a more accessible location.

11 The Town of Ramapo Building, Planning & Zoning Department's July 11, 2016 denial letter indicates that a variance is required for outer court dimensions. 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.

12 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,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Spring Valley

Wolf Kraus

**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.

