



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 16, 2017

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

Tax Data: 50.17-2-17

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

Map Date: 8/16/2016

Date Review Received: 1/5/2017

Item: *YEHUDA AHARONOV (R-2587)*

Variances for lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family dwelling on .1317 acres in an R-15C zoning district.

East side of Twin Avenue, approximately 170 feet north of Park Street and 225 feet south of Elm Street.

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 220 feet northeast of the site. 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

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on 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 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 several significant yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on undersized and nonconforming 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 shall be reduced and fewer units permitted to allow for closer compliance with the R-15C bulk standards.

3 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 5,735 SF or almost 24 percent smaller than the reduced minimum lot area required for non-conforming lots. It is close to 62 percent less than the 15,000 SF required for new three-family residences on conforming parcels in the R-15C zoning district. Given that this site benefits from the application of Section 376-131, we recommend that the building footprint be reduced and fewer units be permitted.

4 The bulk table on the August 16, 2016 map indicates that a lot width variance is required for the proposed three-family residence. This variance is not noted in the December 7, 2016 project narrative or the Town of Ramapo Building, Planning & Zoning Department's December 6, 2016 denial letter. All application materials must be consistent. The public hearing notice must be reissued if it did not include the lot width variance.

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 since the proposed deck is 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 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.

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7 The Town of Ramapo Building, Planning & Zoning Department's December 6, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 1) the elevation for the lowest point of fire department vehicle access is to be located and shown on the plan;
- 2) the elevation for the eaves and finished third floor are to be shown on the plan for all portions of the building;
- 3) if any portion of the building eaves are 30 feet above the lowest point of fire department access, an aerial access road shall be provided as per NYS IFC 105;
- 4) the building shall be sprinklered with an NFPA 13 system;
- 5) sprinkler plans shall be provided;
- 6) if any portion of the finished floor is more than 30 feet above the lowest point of department access, a stand pipe system shall be provided as per NYS IFC 905.3.1;
- 7) fire department connections shall be mounted on the street front of the building;
- 8) the applicant must show that there is sufficient fire flow requirements as per NYS IFC 507.3;
- 9) all egress components are to comply with Chapter 10 of the NYS IFC;
- 10) no egress stairways shall be within ten feet of the property line as per Section 1027.5 NYS IBC;
- 11) all basement storage areas are to meet required separation of Table 508.4 NYS IFC;
- 12) emergency and exit lights for all common hallways and basements are to comply with Section 1008 NYC IFC;
- 13) a Knox Box shall be shown on the plans as per Section 506 NYS IFC;
- 14) sufficient parking shall be provided so that fire department access is not blocked;
- 15) if applicable, all fire zone striping and signage shall be shown on the plan;
- 16) truss signs shall comply with NYS and Rockland County;
- 17) the fire alarm system is to be connected to 44 Control;
- 18) the location of the nearest fire hydrant is to be shown on the plan; and
- 19) if the hydrant is more than 600 feet, one shall be provided as per Section 507.5.1 NYS IFC.

8 It will difficult for a vehicle parked in space #3 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or building entrances have been 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. Exterior stairs, walkways, and building entrances must be illustrated on the site plan so that safety issues can be properly evaluated. Their location must not impact yard requirements or parking maneuverability on the site.

9 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 and parking maneuverability for the site.

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
Spring Valley Fire District

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Anthony R. Celentano P.L.S.
Village of Spring Valley
Construction Expediting, Inc.

Yehuda Aharonov

**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.