

MENACHEM EINHORN/1 COBH COURT (R-2592)

1 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary runs through the site. This section of Clarkstown is also within an R-15 zoning district. 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.

In a letter dated March 13, 2017, the Town of Clarkstown's Planning Board raised concerns about the proposed overutilization of the property; the health, safety and welfare of its residents; traffic generation; water supply and fire safety. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal. Community character, drainage, stormwater runoff and sanitary sewer service must also be evaluated.

2 This proposal is subject to a review by the Town of Clarkstown as the site is partially within that municipality and the use is not permitted.

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

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 52.5 percent increase over the maximum permitted floor area ratio, as well as yard and setback variances. The site is also deficient in meeting the lot width and street frontage requirements. The ability of the existing infrastructure to accommodate increased residential density on 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 footprint of the proposed addition must be reduced to more closely conform to the R-15 bulk standards.

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 two-family dwelling must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Hillcrest/Moleston Fire Department to ensure that there is sufficient maneuverability within the cul-de-sac and on the site for fire trucks, in the event an emergency arises.

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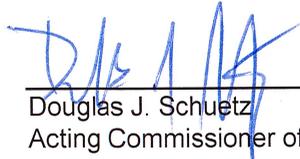
7 The Town of Ramapo Building, Planning & Zoning Department's December 6, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 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 more than 30 feet above the lowest point of fire department access, an aerial access road shall be provided as per NYS IFC 105;
- 4) the front and middle addition of the building shall be sprinklered with a NFPA 13R system;
- 5) the rear addition shall be sprinklered with a NFPA system, or a fire department vehicle access road shall be provided per Section 503.1 Exception 1.2;
- 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) a Knox Box shall be shown on the plans as per Section 506 NYS IFC;
- 8) all egress components are to comply with Chapter 10 of the NYS IFC;
- 9) all basement storage areas are to meet required separation of Table 508.4 NYS IFC;
- 10) the applicant must show that there are sufficient fire flow requirements as per NYS IFC 507.3;
- 11) emergency and exit lights for all common hallways and basements are to comply with Section 1008 NYC IFC;
- 12) fire department connections must be mounted on the street front of the building;
- 13) all basement storage areas are to meet required separation of Table 508.4 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 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 A review must be completed by the Rockland County Sewer District # 1 and all required permits obtained.

10 The site plan shall include 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 Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Hillcrest Fire District
Moleston Fire District

Anthony R. Celentano P.L.S.
Town of Clarkstown

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Menachem Einhorn

Rockland County Planning Board Members

**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.