

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 20, 2017

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

Tax Data: 56.11-1-22

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

Map Date: 11/16/2016

Date Review Received: 3/8/2017

Item: *BREINDY MARTON/5 EMES LANE (R-2507A)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, street frontage, maximum development coverage, floor area ratio, wall height and wall setback to allow the construction, maintenance and use of a two-family residence with one accessory apartment on .376 gross acres (.353 net acres) in an R-15A zoning district.

West side of Emes Lane, approximately 450 feet north of Albert Drive

Reason for Referral:

Village of Kaser

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 This department issued comments on the variances required for an earlier version of this proposal in July of 2015. The two-family residence proposed at that time was significantly smaller. While an accessory apartment was included, variances were not required for floor area ratio or maximum development coverage. The applicant is now seeking a 62.5 percent increase over the maximum permitted floor area ration and more than a 27 percent increase over the maximum allowable development coverage. A much larger building footprint is proposed. The residential building footprint must be reduced to more closely conform to the R-15A bulk standards.

2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 450 feet northeast of the subject property. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

BREINDY MARTON/5 EMES LANE (R-2507A)

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. As noted above, significant variances are required for floor area ratio and development coverage. The parcel is deficient in meeting the minimum lot area, lot width and street frontage standards. Several yard and setback variances are also required. The ability of the existing infrastructure to accommodate increased residential density on undersized, nonconforming lots 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.

5 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.

6 The Town of Ramapo Building, Planning & Zoning Department's December 16, 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 and grade place is to be located and shown on the plan;
- 2) the elevation for eaves and finished third floor is to be shown on plan for all portions of the building;
- 3) the building shall be sprinklered with a NFPA 13R System;
- 4) if any portion of the building is more than 30 feet above the lowest point of fire department access, a stand pipe system shall be provided as per NYS.IFC;905.3.1;
- 5) if any portion of the finished floor is more than 30 feet above grade, an aerial access road shall be provided as per NYS.IFC.D105;
- 6) fire department connections shall be mounted on the street front of the building;
- 7) the applicant must show that there is sufficient fire flow requirements as per NYS IFC 507.3;
- 8) all egress components shall comply with Chapter 10 of the NYS IFC;
- 9) no egress stairways shall be within ten feet of the property line as per Section 1027.5 NYS IBC;
- 10) all basement storage areas are to meet required separation of Table 508.4 NYS IFC;
- 11) emergency and exit lights for all common hallways and basements are to comply with Section 1008 NYC IFC;
- 12) a Knox Box shall be shown on the plans as per Section 506 NYS IFC;
- 13) sufficient parking shall be provided so that fire department access is not blocked;
- 14) if applicable, all fire zone striping and signage shall be shown on the plan;
- 15) truss signs shall comply with NYS and Rockland County; and
- 16) the fire alarm system is to be connected to 44 Control.

7 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.

8 An updated review of the November 16, 2016 map must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the Sewer District's letter of July 16, 2015.

BREINDY MARTON/5 EMES LANE (R-2507A)

9 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

10 All building features including decks and window wells must be delineated on the site plan demonstrating that they will not impact yard or setback requirements.

11 It will be difficult for a vehicle parked in space #3 to maneuver out of the space without a turnaround area. The proximity of the two staircases and walkways serving the northern portion of the building is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.

12 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 4 and 5. The dumpster enclosure must be moved to a more accessible location.

13 The Town of Ramapo Building, Planning & Zoning Department's December 16, 2016 denial letter does not specify that lot width, front yard or total side setback variances are required. These variances are listed in the bulk table. All application materials must be consistent. The public hearing notice must be reissued if it did not contain all required variances.

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

15 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
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
Monsey Fire District

Anthony R. Celentano P.L.S.
Village of Kaser

Breindy Marton

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

BREINDY MARTON/5 EMES LANE (R-2507A)

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.