

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 25, 2017

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

Tax Data: 50.14-4-38

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

Map Date: 12/7/2016

Date Review Received: 4/24/2017

Item: *SATISH H. & JYOTI S. RAJANI/ONE ORCHARD STREET (R-2586)*

Front setback and parking variances to permit the expansion of an existing, one-story medical office building on .4591 acres in an R-15 zoning district. A variance from Section 376-132D is also required. A second and third story are proposed. A use variance was granted in 1967 to permit the construction and remodeling of an existing non-conforming building for use as a medical office building. The bulk standards for the NS zoning district were applied.

North side of Orchard Street, 160.5 feet west of Main Street

Reason for Referral:

Main Street (NYS Route 45), Eckerson Road (CR 74), 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 A review must be completed by the New York State Department of Transportation and any required permits obtained.
- 2 A review must be completed by the Rockland County Highway Department and any required permits obtained.
- 3 A 28 percent reduction in the on-site parking requirement is substantial. The applicant must pursue an off-site parking arrangement with nearby property owners in the event that 26 parking spaces are not sufficient for the expanded use.
- 4 The September 1, 2016 project narrative states that the parking lot is accessed though an easement on the neighboring property. The access easement must be illustrated on the site plan as indicated in General Note #23.

SATISH H. & JYOTI S. RAJANI/ONE ORCHARD STREET (R-2586)

5 A development coverage calculation must be provided on the site plan. Aerial photography available to this department shows a large macadam area, plus the building, with minimal landscaping. It appears that the existing development coverage is close to the maximum permitted. The applicant shall explore the possibility of replacing macadam with pervious pavers or porous concrete. In addition, supplemental landscaping shall be provided.

6 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 245 feet southeast 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 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.

7 The Town of Ramapo Building, Planning & Zoning Department's March 2, 2017 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 a NFPA 13 system;
- 5) 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;
- 6) a Knox Box shall be shown on the plans as per Section 506 NYS IFC;
- 7) all egress components are to comply with Chapter 10 of the NYS IFC;
- 8) all basement storage areas are to meet the required separation of Table 508.4 NYS IFC;
- 9) the applicant must show that there are sufficient fire flow requirements as per NYS IFC 507.3;
- 10) no egress stairways shall be within ten feet of the property line as per Section 1027.5 NYS IBC;
- 11) fire department connections must be mounted on the street front of the building;
- 12) all basement storage areas are to meet required separation of Table 508.4 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) emergency exits and lights are to comply with Section 1008 NYC IFC;
- 16) the alarm system is to be connected to 44 Control;
- 17) truss signs shall comply with NYS and Rockland County.

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8 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 expanded office building must be held to the requisite minimum standards and comply with all requirements of this code.

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

10 The location of the trash dumpster 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.

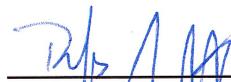
11 While this proposal is subject to NS bulk standards, the subject site is located in an R-15 zoning district, and immediately adjacent and directly opposite single-family dwellings. Landscaping must be provided along the western and southern property lines to buffer the residential properties, as required in Section 376-31G.

12 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.

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

14 The vicinity map must include a north arrow and a scale.

15 Map Note 14 must be corrected to indicate that SUEZ is the water supplier.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
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
Hillcrest Fire District

Civil Tec Engineering & Surveying
Village of Spring Valley

Satish H. & Jyoti S. Ranjani

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

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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.