

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: 56.08-5-46

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

Map Date: 1/7/2016

Date Review Received: 1/5/2017

Item: *SIMA ROSE REALTY CORP (R-2588)*

Variance for maximum development coverage and deck rear setback to permit the construction, maintenance and use of an addition to and the conversion of an existing two-family residence to a three-family residence with one-accessory apartment. The .3232-acre site is in an R-15C zoning district. East side of Roman Boulevard, approximately 75 feet north of the intersection of Maple Leaf 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 225 feet south 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 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. 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 of the proposed addition shall be reduced to more closely conform to the R-15C bulk requirements.

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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. Given that this site benefits from the application of Section 376-131, the proposed addition must be reduced.

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 The Town of Ramapo Building, Planning & Zoning Department's December 6, 2016 denial letter includes 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) the rear additions shall be sprinklered with an NFPA 13 system, or a fire department vehicle access road shall be provided per Section 503.1 Exception 1.2;
- 4) if any portion of the building is more than 30 feet above the lowest point of fire department access, an aerial access road shall be provided as per NYS IFC 105;
- 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) fire department connections must 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 are to 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;
- 16) the fire alarm system is to be connected to 44 Control;
- 17) the location of the nearest fire hydrant is to be shown on the plan; and
- 18) if the hydrant is more than 600 feet, one shall be provided as per Section 507.5.1 NYS IFC.

6 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.

7 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

8 It will difficult for a vehicle parked in spaces 2 and 4 to maneuver out of the spaces without a turnaround area. The proximity of the staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident descending the stairs will walk directly behind parked vehicles. 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.

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9 All proposed and existing entrances, stairways, walkways and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

10 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.

11 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.

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

13 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
Monsey Fire District

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

Sima Rose Realty Corp

**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.

