

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

KATHY HOCHUL  
GOVERNOR

ROBERT J. RODRIGUEZ  
SECRETARY OF STATE

-----  
In the Matter of the Petition of:  
RAIZEL FEDER  
For a Variance to the New York State  
Uniform Fire Prevention & Building Code  
-----

DECISION

PETITION NO. 2023-0513

Upon the application of Raizel Faider, filed pursuant to 19 NYCRR 1205 on September 21, 2023,  
and upon all other papers in this matter, the Department makes the following determination:

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to construction of a warehouse, occupancy group S2, Low Hazard storage, 1 story and 44 feet in height, construction type 2B, non-combustible, 562,450 square feet in gross floor area, and located at 1220 Craigville Road, Town of Blooming Grove, County of Orange, State of New York.

Relief is requested from:

**19 NYCRR Part 1225, The Fire Code of New York State, Section D104.1, Buildings exceeding three stories or 30 feet in height**, which states: Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

[The petitioner requests relief to allow a building over 30 feet to have one FAAR.]

FINDINGS OF FACT

1. The building has a single 48-foot-wide fire apparatus access road from the public road that splits and circulates around the building.
2. The buildable portion of the site is surrounded by wetlands and is bordered on the east side by a railroad right-of-way/rail trail that also prevents access.
3. It would be physically impracticable to construct a second FAAR and an additional curb cut is limited by Public Works due to inadequate sight distance.
4. The applicant states that the building will have an NFPA 13 automatic fire sprinkler system.
5. As an alternative the access drive has an additional 15-foot-wide striped median that provides an additional paved access lane in the event of a vehicle breakdown.



**Department  
of State**

6. The local Code Official has been consulted in this matter and supports petitioner's request for a variance under Part 1205.6.

#### CONCLUSION OF LAW

The proposed variance will not substantially adversely affect the Code's provisions for health, safety and security. Strict compliance with the provisions of the Uniform Fire Prevention and Building Code would entail practical difficulties, economic hardship, or would otherwise be unwarranted because such would be physically impracticable.

#### DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1225, Section D104.1, be and is hereby PROPOSED TO BE GRANTED with the following condition:

1. That all conditions, enhancements and equipment offered by the petitioner be installed as described, and in accordance with the applicable generally accepted reference standards.

This DECISION is issued under 19 NYCRR 1205.6. Unless objected to by the petitioner in a writing received by the department, the decision shall become FINAL after fifteen days of receipt of the decision by the parties.

This decision is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.



John Addario PE, Director  
Division of Building Standards and Codes

DATE: October 10, 2023  
NC: nc