



City Planning Board

Department of Planning & Community Development
City Hall, One Roosevelt Square
Mount Vernon, New York 10550-2060

Shawyn Patterson-Howard
Mayor

Darryl Selsey
Chair

RESOLUTION CITY OF MOUNT VERNON PLANNING BOARD (Adopted June 15, 2022)

**Application of 128 Second Street LLC
Property: 128 West Second Street
(Sheet 165.77, Block 3051, Lot 25 and RMF-6.75 Zone)**

Resolution of Specific Special Permit Use Approval

Background

1. The Applicant requested special permit approval to convert an existing single-family detached residence to a Domiciliary Care facility per §287-28B. The subject property is 11,581 sf. in the RMF-6.75 zone. The residence is 2 ½ story residence with six bedrooms plus two suites for live-in counselors with proposed occupancy by approximately 16 children. The property is located on the south side of West Second Street, one house to the east of its intersection with South 10th Avenue. The 72' deep rear yard is a grassed area which extends to South 10th Avenue. There will be 11 on-site parking spaces with room for two vans. The Agency Sponsor is the Catholic Guardian Services (part of the Catholic Charities of the Archdiocese of New York.). The Agency would contract with the Federal Administration for Children and Families (ACF) to manage the *Unaccompanied Children (UC) Program* designed to reunite children with families and close relatives.

2. The Planning Board on November 3, 2021, determined this to be a Type II Action under 6 NYCRR 617.5 (c) (18) "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit." *Therefore, no further environmental review was required.*

3. The Planning Board commenced a duly noticed public hearing on November 3, 2021, and continued the public hearing on January 5, 2022, February 2, 2022, March 2, 2022, and April 6, 2022, at which time all those wishing to be heard were given the opportunity to be heard. The public hearing was closed on April 6, 2022, with the record left open for an additional ten (10) business days to receive written public comments. The Board received and considered two (2) written objections from the Good Neighbors Block Association, dated March 10, 2022, and April 9, 2022; a written objection from Cindy Nanan, dated April 6, 2022; and a petition bearing over

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fifty signatures objecting to the location of the proposed domiciliary-care facility based on its proximity to a public elementary school.

4. The Planning Board carefully examined the Application and reviewed the Applicant's Civil Engineering drawings including site plan, zoning compliance, landscaping, Lighting, Security, proposed floor plans, videos of the interior of the 128 W Second St. residence and the existing Catholic Guardian Bronx Home for UC Children at 110 W. 183rd Street, and photographs and aerial view of the site. The Planning Board also reviewed the Fact Sheet explaining the Unaccompanied Children Program, background material on the Catholic Guardian Society, the agency sponsor. The Planning Board also reviewed the Applicant's *Narrative dated November 1, 2021*, describing the experience and background of the Agency Sponsor, the licensing agency, the population being served, details of the *Federal Unaccompanied Children Program*, number of children in the home, staffing, and operating and management procedures. The Planning Board reviewed the Applicant's *Narrative and Map showing the absence of group homes* for youth within a two-mile radius of the subject property. The Planning Board received comments and recommendations from the City Planning Administrator in work session memoranda dated 11/1/21, 1/2/22, and 1/29/22, which they have considered.

5. The Planning Board submitted a Notification Only form to the Westchester County Planning Department which provided a response letter dated March 2, 2022, (MTV N22-001) indicating this is a matter of local determination. The Planning Board also provided the plans for review and comment to the Water Bureau, Fire Department, Department of Public Works, and Department of Public Safety. The Department of Public Safety reviewed the application and provided written comments, dated February 28, 2022, indicating no objection to the proposed project. The Water Bureau provided comments in a memorandum dated 3/2/22 which the Planning Board has considered. The Deputy Commissioner for the Fire Department conducted a site visit with the owner and provided comments to the owner requiring the installation of a commercial kitchen hood on the premises. The Fire Department provided NYS Rules and Regulations (Part 488.3 for Group Home Requirements for Physical Facility) with specific fire protection items noted and a memo dated 3/21/22 listing fire protection deficiencies identified during an informal walk through of the subject residence. A letter from the owner of the subject residence has been received by the Planning Board responding to the Fire Department comments. The Catholic Guardian Society has provided a letter (3/28/22) reviewing oversight and supervision at the Group Home. A copy of the comments received from the Water Bureau (dated 3/2/2022), Fire Department (dated 3/21/2022), and Department of Public Safety (dated 2/28/2022) are annexed hereto and made a part of this Resolution.

6. The Planning Board deliberated in public on May 4, 2022, on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for special permit for a Domiciliary Care facility is granted for a five-year period with annual review by the Planning Board and subject to the conditions set forth below.

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I. Findings

The Planning Board considered the standards set forth in Article VI, §§267-27 and 267-28(B) of the City of Mount Vernon Zoning Code (“Zoning Code”) and finds that subject to the conditions set forth below, the proposed special permit is consistent with general development principles and the standards for special permits set forth therein. Specifically, the proposed domiciliary use meets the following standards:

Regarding § 267-27(A) of the Zoning Code (location and size of proposed special permit use; nature and intensity of operations; size of site in relation to proposed use; location of site with respect to access streets):

(1) the location and size of the proposed special permit use is limited to the subject site which consists of an 11,581-sf parcel, improved by a 2 ½ story, 6-bedroom residential building.

(2) the nature and intensity of the operations involved in or conducted in connection with the proposed special permit use consists of the operation of an Unaccompanied Children (UC) Program sponsored by Catholic Guardian Services and administered by the Federal Administration for Children and Families (ACF). This program, designed to reunite children with their families or close relatives, will serve up to 16 children at a time. The youth will be supervised at all times, tutoring and educational services will be provided on-site so there will be no impact on the local public school system, 11 parking spaces will be provided on-site to minimize the need for street parking, two private vans will provide transport for the residents, and a 24/7 surveillance camera system and appropriate exterior lighting will be installed to promote safety for residents and those in the surrounding area.

(3), the size of the site is large enough to accommodate the proposed use in that the property has six bedrooms plus two suites for live-in counselors, a small basketball court and a 72’ deep rear yard suitable for on-site recreation and group activities, and

(4) the location of the site with respect to streets giving access to it is suitable. Specifically, the site is located one house east from the intersection of South 10th Avenue and West 2nd Street, which intersection is controlled by a traffic signal; West 2nd Street is a two-way street and South 10th Avenue is a one-way street going south; emergency vehicles would have direct access to the rear parking area of the site by way of a 50’ curb cut; and a bus stop is located one block west of the site to serve the neighborhood and provides public transit in the area.

In light of the above, the Planning Board finds that the proposed special permit use will be in harmony with the appropriate and orderly development of the area in which it is located.

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Regarding §267-27(B) of the Zoning Code (Location, nature, and height of buildings, walls and fences; nature and extent of existing and proposed plantings):

(1) The subject property is located on the south side of West 2nd Street, one house to the east of its intersection with South 10th Avenue; two family attached houses are across the street; Grimes Elementary School is on the northwest corner of South 10th and West Second; the intersection of South 10th and West Second is controlled by a traffic signal; there is a bus stop to the west on South 11th Avenue near the school; and the Macedonia Community Center is located one block to the east of the subject property. The building on the subject site is a 2 ½ story residential structure, similar to other residential properties in the area and in keeping with the RMF-6.75 zone. No walls are proposed; and there is existing fencing between the site and properties to the left and right of the site, as well as fencing at the rear of the site. In addition, the Applicant has provided an updated lighting plan since the property is on a corner with pathways, parking spaces, exterior sidewalks and includes low level lighting to avoid light pollution. The condition and pattern of the sidewalks should be reviewed and repaired, if necessary, prior to the issuance of a Certificate of Occupancy.

(2) Applicant submitted a landscape plan that includes seasonal and buffer plants that are not institutional or commercial, but are suitable for a residential landscaping scheme. See Architectural Drawings, Sheet C-001.00 (“Landscaping Plan”).

In light of the above, the Planning Board finds that the proposed special permit use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

Regarding § 267-27(C) of the Zoning Code (Noise, traffic, fumes, vibration):

The proposed use is residential in nature, not commercial or industrial. No smoke, fumes, or vibrations will be developed from the proposed use of the site. Moreover, Applicant’s proposal includes two vans to provide carpool transportation for residents and staff and 11 on-site parking spaces with room for two vans, thus minimizing the need for street parking. Additionally, the proposed domiciliary use will not include an office of a professional person unrelated to the residents of the facility.

Therefore, the Planning Board finds that operations in connection with proposed special permit use will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other such characteristics than would be the operations of permitted uses not requiring a special permit.

The Planning Board has reviewed the Applicant’s application including site plan, floor plans, landscaping, security and lighting plans. Applicant’s Engineer has provided updated

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landscaping, lighting and security drawings per the request of the Planning Board. The site plan shows the grassed area in the 72.6' deep back yard, the 11 parking spaces, fencing and the small basketball court on the east side of the residence. The Assistant Executive Director for the Catholic Guardian Society confirmed that the grassy rear yard is large enough for recreation, games. The residence is located 77 feet from the rear property line. In addition to the 11 parking spaces, there is still room for two vans in the parking area on the side. The entry into the side area is from South 10th Avenue.

The floor plans show an existing cellar with 8' height containing mechanical space, storage and a laundry room. The first floor has 9' ceilings and includes a sun room, family room, great hall, living room, dining room, and a kitchen. The second floor shows five bedrooms and two bathrooms and two shower rooms. Two stairs provide access to the second floor. The attic has 8' ceilings and provides one bedroom plus two suites for live-in counselors. Access to the attic is provided by Stair B.

Applicant's Engineer, Shahin Badaly PE, provided a *Narrative* on the sponsor and background, licensing agency, the population being served, number of persons in the home, operating and management procedures for the Board's meeting. Agency sponsor is the Catholic Guardian Services (part of the Catholic Charities of the Archdiocese of New York.) Mr. Harry Bavaro, the Assistant Executive Director for Administrative Services of Catholic Guardian Services, provided information on the Unaccompanied Children Program and the Catholic Guardian's operations. He showed a video of the Catholic Guardian's Bronx home located at 110 W. 183rd St. and indicated that it has been occupied by Catholic Guardian Services as the tenant for the past four years. The Catholic Guardians have an additional two homes in the Bronx and another facility in northern Manhattan for the UC program

At the Planning Board's January 2022 meeting, the representatives of the Catholic Guardians explained the Unaccompanied Children Program indicating that it designed to be a short term transitional program. They also addressed questions regarding the criteria for the facility, maintenance responsibility, property taxes, the ages of the children, the program's 99 percent reunification rate for the children, the staffing levels at the facility, and services provided.

The Catholic Guardian's executive staff indicated that the following are key factors in their site selection, namely, the size of the facility, the review of the facility and acceptance by the funding governmental agency, and prior experience with landlord. The NYS Office of Children and Family Services (OCFS) review of the facility would require an office space, fire and safety review, certain space requirements, maximum occupancy determination, sprinklers, fire alarm system, adequate space for bedrooms, bathrooms, dining rooms and kitchen facilities and outdoor space. The kitchen facility will not need a commercial kitchen operation unless the

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usage changes. The houses on either side of the subject property provide lighting to the property's rear yard. There are also lights on the back of the subject residence that provide lighting to the property. The Lighting Plan shows foot candle of less than 0.1fc after the second parking space at the rear.

The Catholic Guardian Program staff described the Unaccompanied Children (UC) program. It was indicated that children are primarily from the border and Central America. The program is designed to reunite children with families and close relatives. Before reunification, there is an extensive background check on families/relatives. Typically, there is a short stay approximately 30 – 45 days. There is 24/7 supervision. Children are referred to the Federal Health & Human Services, Office of Refugee Resettlement. Mental health services are available on the premises. The Program has three categories. Category 1 includes children with parents – the stay is 16 – 20 days; Category 2 is children with relatives; Category 3 includes children with extended family, who undergo extensive background checks. The reunification rate in Categories 1 and 2 represent 99 percent of the children.

The Catholic Guardians have a maintenance budget and staffing to maintain the interior of the facility. There is a lease with the landlord who would be responsible for exterior items such as roofing. The landlord is responsible for the property taxes. There is a 24/7 surveillance camera system. The facility maintains coordination and maintenance personnel to maintain the appearance of the facility and not have it as an eyesore to the neighborhood. The Administrative staff went through the staffing for the facility which includes a youth care worker for every 5/6 children, resident manager, case managers, dentist, therapeutic staff, program director, two maintenance staff. The facility has specific staff ratios, and the staff undergoes two weeks of training including child development training and therapeutic crisis intervention. Tutoring and ESL services are provided onsite. Vans would be used for outside healthcare, covid protocols are in place, mental health services are onsite. There are five cooks for meals onsite which is in accord with NYS health regulations. In regard to assigning children to bedrooms, every site is different. Children are separated into cohorts. Bedrooms are used for 2-4 children which are age appropriate. The average ages in the facilities are primarily 14, 15 and 16 years of age.

The NYS Office of Children and Family Services (OCFS) certifies the program and physical plant for occupancy by the children. OCFS conducts unannounced safety inspections and also scheduled annual program inspections of their certified residences. The proposed residence will have an assigned program manager and daily on-site supervisory team. The Catholic Guardians Administrative Services Department conducts regular oversight inspections of the physical plant and grounds to ensure their residences are safe for staff and clients. Weekly inspections by maintenance

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personnel, monthly documented inspections by maintenance coordinators, and quarterly (four times annually) inspections by a senior administrative manager ensures program facilities are safe and in order.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Architectural Plans by Badaly Engineering PLLC prepared by Shahin Badaly, PE for *Alterations to 1-Fam: 128 W. Second St., Mount Vernon NY 10550* dated 5/15/20 and last revised 6/29/21 unless otherwise noted entitled:

- A-001.00 *"General Notes"*
- A-002.00 *"NYS Residential Code Compliance"*
- Z-100.00 *"Site Plan & Zoning Compliance"*
- A-110.00 *"Existing Cellar & First Floor Plan"*
- A-111.00 *"Proposed Cellar & First Floor Plan"*
- A-112.00 *"Existing Second Floor & Attic Plan"*
- A-113.00 *"Proposed Second Floor & Attic Plan"*
- A-200.00 *"Front Building Elevation"*
- A-201.00 *"Side Building Elevation"*
- A-202.00 *"Side Building Elevation"*
- A-203.00 *"Cross Section"*
- A-300.00 *"Construction Details"*
- C-001.00 *"Landscaping Plan"*
- C-002.00 *"Lighting & Security Plan"*
- P-001.00 *"Plumbing & Gas Riser Diagram"*
- E-001.00 *"Electrical Plan"*

(the "Approved Plans").

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If, as a condition to approval, any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If

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said final plans comply with all the requirements of this Resolution as determined by the City Engineer, they shall also be considered "Approved Plans."

- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the Chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the City Clerk.

- (d) Field Changes: In the event, the Building Commissioner agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Commissioner may allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Department to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall subject this project to penalties and a stop-work order, pursuant to § 267-52 of the Mount Vernon Zoning Code.**

- (f) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state. All landscaping shall live for at least three years after issuance of a Certificate of Occupancy. Any landscaping that does not meet this requirement shall be replaced within 10 days of noticing that the landscape is inadequate.

IV. Specific Conditions

1. Security Camera videos shall be retained for at least 60 days.
2. Condition and pattern of the sidewalks shall be reviewed and repaired, if necessary, and the bluestone curb shall be reset for height prior to the issuance of a Certificate of Occupancy.
3. The Agency Sponsor (Catholic Guardian Society) shall comply with all regulations of the New York State Office of Children and Family Services (Part 416 and Part 488.3 of NYCRR) and receive a license

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from OCFS before the Agency Sponsor can commence operations at the premises.

4. Prior to the issuance of a building permit, applicant shall address Mount Vernon Fire Department specific fire protection deficiencies noted in the Fire Department's memo dated 3/21/22 including a commercial kitchen and sprinklers as well as all other City of Mount Vernon Fire Department Codes and occupancy limits.
5. Prior to the issuance of a building permit, the Applicant shall pay the outstanding water balance and provide proof to the Building Department. Applicant shall confirm in writing that the domestic service is not Pb.
6. The Mount Vernon Board of Water Supply records show no Back Flow preventers on domestic water and fire service. Back Flow preventers shall be required to be installed prior to issuance of a Certificate of Occupancy.
7. This Specific Special Use Permit is approved for a period of five years to coincide with Applicant's lease agreement with the owner of the subject property. Upon receipt, Applicant shall submit the OCFS semi-annual program/facility inspection reports to the Planning Board to be considered as part of the Planning Boards annual review of this Specific Special Use Permit.
8. Pursuant to § 267-28(B) of the Mount Vernon Zoning Code, as it relates to the subject domiciliary-care facility, no office of a professional person shall be permitted except for the treatment of residents of the facility itself.
9. All of the above conditions required by the Planning Board shall be noted on the original and all file copy prints of the site plan. All of the above conditions shall be complied with prior to the issuance of a Certificate of Occupancy.


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Vote Record				
Motion By: Commissioner Zamor _____				
Seconded By: <u>Commissioner Thompson-Njenga</u> _____				
Resolution Re: 128 West Second Street _____				
Date: <u>June 15, 2022</u> _____				
Ayes: <u>4</u> _____				
Nays: <u>2</u> _____				
	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamael Thompson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Whites	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: June 15, 2022 _____

Date Signed: June 16, 2022 _____

By: 
Darryl Selsey, Chair



Lieutenant Charlotte Neal-Young
Commanding Officer

**CITY OF MOUNT VERNON
POLICE DEPARTMENT
SUPPORT SERVICES DIVISION**

(914) 665-2500 FAX (914) 665-2559



Lieutenant Janie McKennie
Executive Officer

Date: February 28, 2022

To: Office of the Police Commissioner

From: Lieutenant Janie McKennie, Executive Officer – SSD

Subject: Site Plan – 128 West 2nd Street

At your direction, the undersigned has reviewed the documents provided by the Planning Board. The Mount Vernon Police Department has no objections to the project based on the information provided.

Lieutenant Janie McKennie
Executive Officer
Support Services Division

APPROVED
COMMISSIONER OF PUBLIC SAFETY
GLENN SCOTT 03/02/22



CITY OF MOUNT VERNON, NEW YORK
BOARD OF WATER SUPPLY

JOHN F. ARENA
SUPERINTENDENT

MEMO

March 2, 2022

To: Bob Galvin, AICP Planning Administrator

From: John F. Arena, Superintendent Water Department

Re: Planning Dept. Review of Site Plan @
128 W. 2nd St. Mount Vernon, NY.

- Water balance shows 764.40 past due.
- The Mount Vernon Board of Water Supply records shows no Back Flow preventers on domestic water and fire service. (Need to be installed).
- Need to confirm that the domestic service is not Pb.
- If demolition occurs all services must be cut and capped in the street.
- Any other issues if any can be discussed at a later date.

Thank you.

John F. Arena



CITY OF MOUNT VERNON, N.Y.

FIRE DEPARTMENT
FIRE HEADQUARTERS
470 EAST LINCOLN AVENUE
MOUNT VERNON, NEW YORK 10552
914-665-2626 FAX 914-665-2630

Deborah M. Norman
Fire Commissioner
Theodore W. Beale, Jr.
Deputy Fire Commissioner
K. Robert Odindo
Chief of Operations

Shawyn Patterson-Howard
Mayor

Robert Galvin, AICP – Planning Administrator
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

March 21, 2022

Re: Application number: Case # **13 – 2021**

Subject Site Address: 128 West 2nd Street - Block / Lot **165.77-3051-25**

Dear Mr. Galvin:

A walk through of the above residence in February 2022, the following items were noted to the owner of the residence Mr. Benjamin.

- All permits were expired
- No change of occupancy – Usage from Residential to Commercial
- No demolition permit was noted – Two car garage in rear of lot
- Commercial kitchen and fire suppression system needed if usage changes
- No Sprinkler drawings were submitted to the Fire Department for review
- No drawings of the Fire Alarm system were submitted to the Fire Department for review
- Sprinkler pipes installed throughout building (**not connected, inspected or tested**)
- Domestic water line requires as per Westchester County Health Department / Board of Water Supply an RPZ – (Reduced Pressure Zone)
- Sprinkler system requires as per Westchester County Health Department / Board of Water Supply an RPZ – (Reduced Pressure Zone - Double check valve.
- ADA bathroom was noted absent
- Architectural drawing needs to be reviewed to establish minimum requirements to satisfy dormitory bedrooms and living space.

Building Blocks also revealed the following violations and open permits:

Case Number 58995 09/11/2020 / 42418 -10/23/2020 / BP-9823-2020 / EL-8309 / EQP-3090-2019 / PL-3366-2020 / EQP-3090-2019.

The building owner's Architect was forwarded a copy of the NYS Comp. Codes Rules and Regulations 448.3 (Group Home Requirements Physical facility). Please see attached

This walk through was an courtesy that was extended to Mr. Benjamin as per his request, no fees or formal inspection was conducted just an casual walk through to familiar the Fire Department with the proposed facility.

Respectfully:

Theodore W. Beale Jr.
Deputy Fire Commissioner