

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 26, 2017

Chestnut Ridge Planning Board
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 57.17-2-27

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

Map Date: 12/2/2016

Date Review Received: 3/17/2017

Item: **COMPLETE AUTO REPAIR (CR-14C)**

Site plan for the proposed demolition of an existing building, and construction of a 5,352 sq. ft. building, which includes eight bays and an office, for a parcel located in the PO zoning district on 1.44 acres. South side of Old Nyack Turnpike, opposite South Madison Avenue

Reason for Referral:

Old Nyack Turnpike (CR 52), Town of Ramapo, Village of Spring Valley, S. Main Street (NYS Route 45)

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:

****Disapprove***

A visit to the site was conducted in April to determine the amount of vehicles being stored/parked on the site. Currently there are numerous vehicles parked all over the site, in excess of the 28 parking spaces proposed. These vehicles included cars, box trucks, car carrier, wrecked vehicles, and storage containers, many of which appear to have been parked on the site for a long period of time. Lastly, review of aerial photography, dating from 2016 back to 2000, continues to show that the number of vehicles (trucks, cars, containers, etc.) being parked on this site far exceeds the 28 parking spaces being proposed for the new building, and at times as many as over 70 vehicles were being parked/stored on the site.

The demolition of the existing one-story building, much smaller in size than the proposed building with eight bays and a two-story office, will only exacerbate the parking constraints currently on the site. We are concerned, given the site's past parking needs, coupled with an increase in the size of the building and intensification of use, that the site will not be able to accommodate all parking needs. This is particularly critical since the site is located on a County highway. An off-site parking arrangement may be required to accommodate the larger building, and all of the parking demands currently required.

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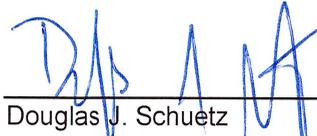
Until the applicant can demonstrate how the existing vehicles will be able to be stored on the site once the newer, larger building is constructed, this application must be denied.

The following are additional comments that address our concerns:

- 1 Materials submitted with this application indicate that this proposal appeared before the Village of Chestnut Ridge Zoning Board of Appeals in July, 2016 for an interpretation of, or alternatively a use variance from, the provisions of Zoning Law Article XII - "Non-conforming Uses, Buildings or Lots." This zoning board of appeals application was never referred to the Rockland County Department of Planning, as required under General Municipal Law, Section 239L & M. We have concerns with the use being expanded, as mentioned above, with insufficient parking for the site. This use variance and/or interpretation must be referred to all appropriate agencies.
 - 2 A parking calculation must be provided for the proposed new use. It is impossible to determine if any variances are required without the standards.
 - 3 The comments in the March 24, 2017 letter from the Rockland County Highway Department must be met.
 - 4 As indicated in the March 27, 2017 letter from the Rockland County Department of Health, an application must be made to them to ensure compliance with the County Mosquito Code.
 - 5 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
 - 6 The Town of Ramapo and the Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The municipal boundary for the Town of Ramapo is along the centerline of Old Nyack Turnpike; the municipal boundary for the Village of Spring Valley is approximately is 215 feet north 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 county-wide 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 which is supportive of the goals and objectives of the general area.
- The Town of Ramapo and 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 these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 7 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
 - 8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 The Vicinity Map must contain a north arrow.
- 11 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge Fire Inspector, or the South Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 12 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the patrons. This is especially critical given the parking issues already stated above.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Mayor Rosario Presti, Jr., Chestnut Ridge
- New York State Department of Transportation
- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Office of Fire and Emergency Services
- South Spring Valley Fire District

- Civil Tec
- Town of Ramapo, Village of Spring Valley

Rockland County Planning Board Members

**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.

