COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

February 20, 2014

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.19-2-2

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

Map Date: 12/31/2013 **Date Review Received:** 1/29/2014

Item: ***HAIR CARE AND BEYOND, INC. (Hi-6J)***

Site plan for a new tenant, an on-line retail business, in a 3,500 SF space in Building B. The building is located on an existing 4.1-acre industrial site containing approximately 97,000 SF of leasable area, in the LI and HC zoning districts.

Southwest corner of NYS Route 59 and Fourth Street

Reason for Referral:

NYS Route 59, NYS Thruway, Ramapo River, Village of Suffern, Harriman State Park

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 shall be completed by the New York State Department of Transportation and all required permits obtained.

2 The Village of Suffern is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 64 feet (on average) south of the site. As required under Section 239nn of the State General Municipal Law, the Village of Suffern must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Hillburn.

3 The Village may wish to use this time as an opportunity to work with the New York State Department of Transportation and the applicant to better define the access points to this site. Curbing additions, and elimination of macadam would help to achieve this goal.

HAIR CARE AND BEYOND, INC. (Hi-6J)

4 It is unclear if the hair care products being sold on-line will be stored on the premises. It must be clarified whether this is a wholesale or warehouse use. If the hair care products are to be shipped to and from this location, a loading area must be designated and clearly indicated on the site plan.

5 The Village shall be satisfied that the site plan for the entire site meets the requirements of Sections 250-26.D.(5) and (6) of the Village Code, which address the parking requirements for wholesale and warehouse establishments, and industrial and manufacturing establishments. Warehousing uses require one space for each 300 SF of gross floor area, or two spaces for each three employees, whichever is less. Industrial or manufacturing uses require two spaces per three employees computed on the basis of the greatest number of persons to be employed during peak hours of employment, but not less than one parking space for each 300 SF of floor area. The "Lot Area Calculation Table" indicates that two spaces are provided for this use. The "New Tenant Information" page included with the application materials indicates that there are five employees. Two parking spaces are therefore not in compliance with the parking requirement for wholesale and warehouse uses.

All applicable portions of the Village parking requirements shall be referenced in the site plan. While the "Lot Area Calculation Table" lists each company name and the number of employees, it does not specify the use. It is therefore not possible to determine if the on-site parking requirements are satisfied. Based on the information presented, it appears that there is sufficient employee parking on the site with additional spaces available for customers or clients. However, that may not be the case if the tenant mix changes. The on-site parking requirements must be clearly indicated on the site plan.

6 The bulk table must list any required variances, as well as the dates that previous variance requests were granted. In reviewing the bulk table, the provided front yard, side yard, rear yard and maximum coverage standards are not achieved. Only the front yard is asterisked but no explanation is offered as to the meaning of the asterisk. Clarification must be provided about the variances required, and already granted, for this site.

7 An updated landscaping, lighting, and signage plan that meets all Village requirements must be provided. The lighting plan shall include fields of illumination and demonstrate that no light will shine into the NYS Route 59 right-of-way or the Thruway.

8 There shall be no net increase in the peak rate of discharge from the site at all design points.

9 The site plan indicates that the Building B3 is 3,000 SF. The application form and Short Environmental Assessment Form specify 3,500 SF. All application materials must be consistent.

10 Any variances required to implement this site plan are subject to a review by this department as mandated by the New York State General Municipal Law.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
New York State Thruway Authority
Palisades Interstate Park Commission
Rockland County Drainage Agency
Atzl, Scatassa & Zigler P.C.

HAIR CARE AND BEYOND, INC. (Hi-6J)

Village of Suffern

Hair Care & Beyond, Inc.

Aaron Berger

**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.