



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

December 18, 2014

ARLENE R. MILLER
Deputy Commissioner

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.15-1-4

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

Map Date: 8/7/2013

Date Review Received: 11/20/2014

Item: *NER BULB INC (HI-5W)*

Site plan for a new tenant, an online retailer, to lease 2,200 SF in Building 1A. The building is located on a 7.824-acre industrial site containing approximately 149,600 SF of leasable area in the LI zoning district. West side of Route 59, east of Erie Lackawanna Railroad tracks and north of Fourth Street

Reason for Referral:

NYS Route 59, Torne Valley Road (CR 95), Harriman State Park, Ramapo River, NYS Thruway

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 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 "New Tenant Information" page included with the application materials indicates that there are three employees. The Parking Table on the site plan indicates that there is one employee with one space provided for this use. This does not appear to be 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 Parking 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 overall employee parking on the site with additional spaces available for customers or clients. However, that may

NER BULB INC (Hi-5W)

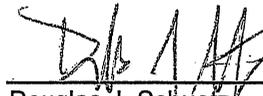
not be the case if the tenant mix changes. The on-site parking requirements must be clearly indicated on the site plan.

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

3 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.

4 The application form and the Short Environmental Assessment Form indicate that the site is 8.19 acres. The area of the tract is specified as 7.867 acres on the site plan. All application materials must be consistent.

5 The Parking Table on the site plan indicates that there is one employee for NerBulb Inc. in Building 1A. The New Tenant Information Form specifies three employees. All application materials must be consistent.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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.