Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 29, 2016

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: 7/27/2016 **Date Review Received:** 7/29/2016

Item: ***ALLSTATE PARTY AND TENT RENTAL (Hi-6M)***

Special permit application to allow an existing tenant, a party goods/tent rental business, to lease 3,500 SF in Building B1 for additional warehouse space. The tenant currently leases 6,000 SF in Building B2. A 10'x10' opening will be constructed between the two spaces. The building is located on a 4.1-acre industrial site containing approximately 97,000 SF of leasable area, in the LI and HC zoning districts. While warehouses are a permitted use in the LI zoning district, they require a special permit in the HC zoning district. The subject space is within the HC zoned portion of the site.
Southwest corner of 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 Special permit uses are, by definition, subject to a higher standard of review. The Planning Board must be satisfied that the proposed warehouse use meets the standards outlined in Section 250-52, as well as the individual requirements listed in Section 250-53.K.

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

3 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.

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4 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.

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 "New Tenant Information" page included with the application materials indicates that there will be no new employees required for the expansion into Building B1. The "Parking Table" indicates that there are three employees, and three spaces are provided for this use.

The site plan now includes the parking requirements for the permitted uses in the LI and HC zoning districts, as well as a parking table that specifies the use in each leasable area. The subject area in Building B1 is classified as warehouse space. The parking calculation specifies one parking space per employee. This is a stricter standard than the Zoning Code requirement. 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 Village must monitor the adequacy of the on-site parking over time. Under no circumstances may vehicles park within the state right-of-way.

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 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency
Palisades Interstate Park Commission
New York State Department of State,
Division of Code Enforcement & Administration

Atzl, Nasher & Zigler P.C.
Village of Suffern

Aaron Berger

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**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.