



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 6, 2018

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: 11/8/2017

Date Review Received: 2/6/2018

Item: *BEST CHOICE CONFECTIONERY, INC. - 201 ROUTE 59 (Hi-6P)*

A site plan application to allow a new tenant in an existing 97,000 square foot commercial building on 4.10 acres in the HC and LI zoning districts. The new tenant will occupy 12,500 square feet for warehouse use.

Southwestern corner of NYS Route 59 and Fourth Street.

Reason for Referral:

NYS Route 59, NYS Thruway, Ramapo River, Village of Suffern, Harriman State Park, Rockland County Sewer District #1 Pumping Station

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 any required permits obtained.
- 2 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.
- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

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5 The Village of Suffern is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 65 feet 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 proposal and provide any concerns related to the project to the Village of Hillburn.

6 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.

7 The Village may wish to use this application 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 eliminating macadam would help achieve this goal.

8 The bulk table indicates that the existing building is non-conforming for front, side, and rear yards, and maximum coverage. An explanation of these non-conformities must be given. If variances were granted, they must be noted on the site plan, along with the dates of their approval.

9 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

10 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.

11 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

12 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Palisades Interstate Park Commission

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

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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.

