



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 5, 2018

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: 11/7/2017

Date Review Received: 12/13/2017

Item: *HILLBURN PARK CORP. - BUILDING 2N (Hi-5Z)*

A site plan application to divide an interior space for a warehouse tenant in a 149,600 sq. ft. manufacturing/warehouse building, located on 7.867 acres in the LI zoning district.

Western side of NYS Route 59, east of the Erie Lackawanna Railroad and north of Fourth Street.

Reason for Referral:

Harriman State Park, County properties, Ramapo River, Torne Valley Road (CR 95), NYS Route 59, NYS Thruway (I-87/287)

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:

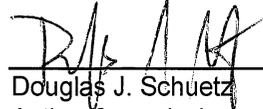
****Recommend the following modifications***

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 Parking Table on the site plan indicates that the new warehouse tenant will require three parking spaces. Based on the given number of employees (three), only two spaces are required for this tenant. This discrepancy must be corrected. However, 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 not be the case if the tenant mix changes. The Village must monitor the adequacy of the on-site parking given the location of the site on the state highway.

2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them

HILLBURN PARK CORP. - BUILDING 2N (Hi-5Z)

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
Rockland County Department of Highways

Atzl, Nasher & Zigler P.C.

**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.