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

April 19, 2019

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-5.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/14/2019 **Date Review Received:** 3/18/2019

Item: ***HUDSON HEART - INDIAN ROCK SHOPPING CENTER (M-32HH)***

A site plan application to demolish an existing restaurant and construct a two-story, 17,633 sq. ft. medical office building within an 8.77 acre shopping center in the NS zoning district. A reduction by the Planning Board of required parking is requested. A variance of the loading berth requirement is necessary.

The northeastern corner of Hemion Road (CR 93) and Lafayette Avenue (NYS Route 59)

Reason for Referral:

Town of Ramapo, Villages of Airmont and Suffern, Hemion Road (CR 93), Lafayette Avenue (NYS Route 59)

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 Town of Ramapo and the Villages of Airmont and Suffern are some of the reasons this proposal was referred to this department for review. The municipal boundary with Airmont is adjacent to the eastern property line, the Ramapo boundary is directly south of the property within the right-of-way of Route 59, and the Suffern boundary is approximately 130 feet southwest of the parcel. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Villages of Airmont and Suffern must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Montebello.

2 As per the March 21, 2019 letter from the Rockland County Highway Department, the applicant must consider providing a small section of sidewalk along Route 59 to connect existing sidewalks.

3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of March 27, 2019.

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4 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.

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

6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

8 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

9 The tree removal plan calls for the removal of 16 trees, eight of which are within the yard along Route 59. The proposed landscaping plan only calls for a total of three trees, with just two along Route 59. The landscaping plan must be amended to provide additional trees similar to those being removed. In addition, low evergreen landscaping must be planted along parking areas to shield vehicle headlights, especially for spaces that would shine towards the state highway.

10 According to the parking study update provided, dated March 11, 2019, a total of 385 parking spaces are required for the property, including the proposal. The site provides a total of 289 parking spaces. The parking analysis indicates that the Village code allows for a 50% reduction in parking at the discretion of the Planning Board. Section 195-28.B of the Village code states "This reduction by the Planning Board may not exceed 25% of the total number of parking spaces otherwise required by the these zoning regulations." The parking analysis must be corrected to state a 25% reduction is permitted. A 25% reduction of 385 parking spaces equals 289 parking spaces. The Planning Board must be cognizant that should it approve the proposal, this represents the maximum reduction allowed for the site. Any further reduction in required parking would require a variance by the Board of Appeals.

11 The first sentence of the parking analysis section of the parking study update indicated that 100 parking spaces are required for the new medical office building. This figure must be corrected to 82.

12 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

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

14 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.

15 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1

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Sparaco & Youngblood, PLLC
Town of Ramapo Planning Board
Village of Airmont Planning Board
Village of Suffern Planning Board

**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.