COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

December 3, 2013

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-2-46

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

Map Date: 4/26/2013

Date Review Received: 11/6/2013

Item: ***HEAVEN SCENT (R-2401A)***

Site plan for a three-story addition to an existing three-story, commercial building on .3315 gross acres (.3248 net acres) in an NS zoning district. Retail uses are proposed on the first floor; office space is proposed on the second and third floors.
West side of Main Street, 97 feet south of Orchard Street

Reason for Referral:

Main Street (NYS Route 306)

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 proposed building expansion will result in an overutilization of the site as evidenced by the number and magnitude of the variances required. The lot is undersized and narrow resulting in the need for several yard and setback variances as well as lot area, lot width and street frontage. While the proposed addition has been reduced in size since our initial review, a 27 percent variance is still required for maximum development coverage. Less than 63 percent of the required on-site parking is provided. The proposed addition must be further scaled back to more closely conform to the bulk requirements of the NS zoning district.

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

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 16, 2013.

HEAVEN SCENT (R-2401A)

4 This department is not in favor of granting of parking variances for sites located on state or county roads. The applicant is seeking a 36.5 percent reduction in the on-site parking requirement. Main Street in Monsey is a heavily traveled thoroughfare. Inadequate on-site parking will impede the safe and efficient flow of traffic along the state highway. While scaling back the proposal may reduce the extent of the parking variance, we are concerned that there will still be a significant shortfall. The applicant must pursue off-site parking arrangements with nearby property owners to accommodate additional parking needs.

5 A turn-around area must be provided at the western end of the parking area.

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

7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

8 A landscaping and lighting plan shall be submitted for our review.

9 The lighting plan must demonstrate that the fields of illumination from proposed on-site lighting sources do not extend beyond the property line onto the state road.

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

11 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 8 and 9. The dumpster enclosure must be moved to a more accessible location.

12 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

13 Map Note # 7 must be corrected to indicate Section 239m of the General Municipal Law, as Section 239k no longer exists.

14 Map Note # 25 is repetitive of Map Note # 7 and must be deleted.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Anthony R. Celentano P.E.

Mark Hirsch

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

HEAVEN SCENT (R-2401A)

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.