



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 4, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.15-2-8 56.15-2-7 56.15-2-6

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

Map Date: 2/24/2014

Date Review Received: 3/5/2014

Item: **AB MARKET (R-2396A)**

Site plan for a three-story, 18,000 SF mixed-use building on .74 acres in the MU-1 zoning district. A retail use consisting of a fish market, and a restaurant with a take-out facility, is proposed on the first floor. A 200 SF studio apartment is proposed on the second floor. The remainder of the second floor and all of the third floor will contain office space.

North side of Second Street, west side of Main Street

Reason for Referral:

NYS Route 306, NYS Route 59, Saddle River Road (CR 73)

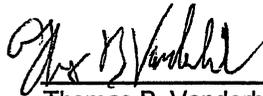
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 An updated review of the February 24, 2014 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and any required permits obtained. The applicant must comply with the conditions of the NYSDOT letter of April 18, 2013.
- 2 An updated review of the February 24, 2014 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Department of Health's letter of March 12, 2014.

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- 4 The proposed on-site parking fulfills only 48 percent of the parking requirement for this use in the MU-1 zoning district. This department is not in favor of granting parking variances for sites on state or county roads. The safe and efficient flow of traffic along Route 306 might be impeded by insufficient on-site parking. In addition, a nearly 19 percent variance is sought for development coverage. The applicant is proposing impervious surfaces on 89 percent of the lot area. The mixed-use building must be reduced in size to more closely conform to the MU-1 bulk standards.
- 5 A turnaround area must be provided to the west of parking space # 18, and to the east of parking space # 34, so that vehicles can easily exit these parking spaces.
- 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 stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 9 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 10 Map Note #7 must be corrected to state that the plat does not conflict with Section 239m, as Section 239k no longer exists.
- 11 Map Note #25, besides being incorrect, is also repetitive of Note #7, and should therefore 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 Highways
Rockland County Department of Health
Anthony R. Celentano P.E.

Benjamin Berger

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

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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.

