



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 16, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
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: 3/11/2014

Item: *A & B MARKET (R-2396B)*

Variances for front setback (Route 306), front yard (Route 306), side setback, maximum development coverage and parking to allow construction, maintenance and use of 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:

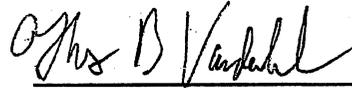
****Recommend the following modifications***

The application materials submitted as part of this GML referral include an undated application form, a July 8, 2013 project narrative that was revised on October 14, 2013 and December 26, 2013, a January 9, 2014 memorandum from the Town's Building, Planning and Zoning Department, and a Planimetric Site Layout Sheet dated December 23, 2013. A GML review of a February 24, 2014 site plan was issued by this department on April 4, 2014. Based on an April 14, 2014 email response from the applicant's engineer to a query about the map date discrepancy, this department is reviewing the last revised map for AB Market dated February 24, 2014. To avoid confusion in the future, we request that the Town verify that the most recent application materials are being submitted for our review and comment.

1 An updated review of the February 24, 2014 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. The applicant must comply with the conditions of the NYSDOT letter of April 18, 2013.

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- 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.
- 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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate new construction is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- 6 The proposed mixed-use building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 Map Note #7 must be corrected to state that the plat does not conflict with Section 239m, as Section 239k no longer exists.
- 8 Map Note #25, besides being incorrect, is also repetitive of Note #7, and must 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
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.E.
New York State Department of State,
Division of Code Enforcement and Administration
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.*

A & B MARKET (R-2396B)

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.

