



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

October 21, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 56.10-2-26

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

Map Date: 7/15/2014

Date Review Received: 9/22/2014

Item: *PETER BOHRMANN (R-1841D)*

Variations for front yard, side yard, rear yard, maximum development coverage, floor area ratio and parking to allow the construction, maintenance and use of a second-story addition to an existing commercial building on .7258 gross acres (.6693 net acres) in a CS zoning district. A change of use from automotive repair to retail is proposed on the first floor. The new second floor will contain office space. The basement contains warehouse space and a karate studio. Variations were previously granted for lot area, lot width, side setback, total side setback and minimum street frontage. North side of Route 59, 215 west of Remsen Avenue and 275 feet east of Bates Drive

Reason for Referral:

NYS Route 59, NYS Thruway

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 bulk table on the July 15, 2014 Planimetric Site Layout specifies the bulk standards for Use Group "D." This use group includes the existing automotive repair use but is not appropriate for the proposed retail and office uses. Use Group "B" is more applicable for the retail and office uses. Retail uses in the CS zoning district are also included in Use Group "H." The warehouse use is categorized as Use Group "E" in the CS zone. It is unclear which use group is most appropriate for the karate studio. The bulk table must be amended to reflect the appropriate use group for the new uses proposed, as well as the existing uses to remain in the expanded building.
- 2 As noted above, a use group category must be assigned to the karate center. If this is considered a school of special instruction (Use Group B), the on-site parking requirement is one space per 100 SF or one space per two students. The "assumed 3 spaces" noted on the bulk table seem inadequate based on either standard. As a result, we believe that the parking variance is understated.

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- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 4 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 facilities of this size on non-conforming parcels 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.
- 5 The commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town's Fire Inspector and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 7 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in adjacent spaces in the northwest corner of the site. The dumpster enclosure must be moved to a more accessible location. If parking spaces are eliminated to accommodate the dumpster, the extent of the on-site parking deficiency will increase requiring a greater parking variance.
- 8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 24, 2014.
- 9 The applicant shall install pervious pavers where possible to reduce the development coverage.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Maser Consulting P.A.
New York State Department of State,
Division of Code Enforcement and Administration
Peter Bohrman

**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.

