



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

April 2, 2014

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.15-2-25

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

**Map Date:** 12/3/2013

**Date Review Received:** 3/4/2014

**Item:** *GRANITE EQUITY HOLDINGS CORP (R-1902B)*

Site plan for an expanded commercial kitchen on .2582 acres in an MU-1 zoning district. Commercial kitchens are not permitted in this zone. A use variance was granted to allow the existing garage to be used as a commercial kitchen. An existing single-family residence is also located on the site. Several bulk variances are required including lot area, lot width, side setback, rear yard, rear setback, street frontage and distance between buildings. A variance is also needed from the requirement that the property be greater than 60 percent commercial and 40 percent residential.

West side of Saddle River Road, 100 feet south of 2nd Street

**Reason for Referral:**

NYS Route 59, NYS Route 306 (Main Street), Saddle River Road (CR 73), Monsey Glen Park

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 Since a commercial kitchen is not a permitted use in the MU-1 zoning district, we believe that another use variance is required to permit the proposed expansion. Alternatively, a variance may be required to allow the expansion of a non-conforming use. These actions are also subject to a review by this department under the New York State General Municipal Law.

We offer the following recommendations on the proposed site plan.

2 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 12, 2014.

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

**GRANITE EQUITY HOLDINGS CORP (R-1902B)**

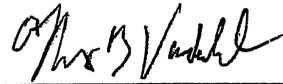
4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

5 The proposed commercial kitchen must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 4 and 5. The dumpster enclosure must be moved to a more accessible location.

7 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.

8 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



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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 Division of Environmental Resources  
Anthony R. Celentano P.L.S  
New York State Department of State,  
Division of Code Enforcement and Administration  
Avraham Greenhut

*\*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.*