



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 14, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.11-2-46

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

Map Date: 12/23/2013

Date Review Received: 3/11/2014

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

Variances for lot area, lot width, front setback, front yard, side setback, street frontage, maximum development coverage, parking and parking space size to allow the construction, maintenance and use of a three-story addition to an existing three-story, commercial building on .3315 gross acres (.3248 net acres) in an NS zoning district. In addition, a variance is required for not providing a loading dock. 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)

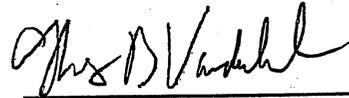
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 An updated review of the December 23, 2013 planimetric 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's December 9, 2013 letter.
- 2 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.

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- 3 This department is not in favor of granting of parking variances for sites located on state roads. The applicant is seeking a 37.5 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.
- 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 commercial facilities on undersized 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 proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 A turn-around area must be provided at the western end of the parking area so that vehicles parked in spaces 1 and 14 can safely exit these spots.
- 7 It will be difficult 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.
- 8 Map Note # 7 must be corrected to indicate Section 239m of the General Municipal Law, as Section 239k no longer exists.
- 9 Map Note # 25 is repetitive of Map Note # 7 and shall 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
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
21 Main Street, LLC

**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.

