



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

October 29, 2014

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.15-2-30

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

Map Date: 9/14/2014

Date Review Received: 9/29/2014

Item: *MANAGEMENT 59 SERVICES, INC. (R-2254A)*

Site plan for a mixed-use development consisting of a three-story, 9,462 SF office building and a three-story, 14-unit residential building on .78 acres in an MU-1 zoning district.

North side of Route 59, 300 feet west of Saddle River Road

Reason for Referral:

NYS Route 59, Saddle River Road (CR 74), 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:

****Disapprove***

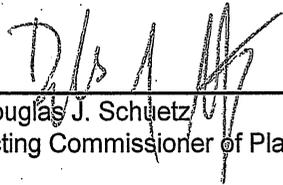
This proposal will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The on-site parking requirement for both uses cannot be achieved. The parking calculation indicates that 36 spaces are required for the office use, and 28 spaces are needed for the 14 residential units, for a total of 64 spaces. The bulk table shows an overall parking requirement of 59 spaces with 49 spaces provided. Fifty-four parking spaces are illustrated on the Planimetric Site Layout Sheet. This department is not in favor of granting parking variances for sites located on state or county roads. Inadequate on-site parking can negatively impact the safe and efficient flow of traffic along these roadways. The New York State Department of Transportation raises a number of concerns about the proposal in its letter of October 20, 2014.

Section 376-66.A. of the Town of Ramapo Zoning Law lists the supplementary regulations for mixed-use developments in the MU-1 zoning district. The proposal before us is deficient in meeting many of these regulations. Approximately 37 percent of the .78 acre site is proposed for the office use with the remaining 63 percent dedicated to the residential use. A mixed-use development in the MU-1 zone must consist of at least 60 percent commercial and/or office uses and may contain up to 40 percent residential uses. Section 376-66. A. (1) states that the

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maximum density for residential uses shall be eight residential units per acre less the area designated for commercial and/or office use. Using this standard, approximately four units are permitted on the land area designated for residential use. The applicant is proposing fourteen units which translates to a 250 percent increase over the maximum permitted residential density. Even without the office use, this .78-acre site can only yield six units.

A scaled-back mixed-use development will more closely conform to Section 376-66.A. The structures are less than 25 feet from the pavement edge of interior roadways. The supplementary regulations also specify that residential uses be located above the first floor of the mixed-use building. The applicant is proposing two separate buildings; therefore they are not mixed-use structures. In addition, the dumpster enclosure is proposed in the northeast corner of the site rather than a centralized location. No screening is proposed around the dumpster enclosure. It is also unclear whether the buildings are fully alarmed and sprinklered. A landscaping plan was not submitted, and pedestrian access is not indicated on the Planimetric Site Layout Sheet. We believe a single, mixed-use building is more appropriate for this site than the current proposal. This will allow for an improved layout and the provision of on-site amenities including landscaping, pedestrian walkways, seating areas and an enhanced play area.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.E.
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Management 59 Service Inc.

Rockland County Planning Board Members

**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.