

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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October 11, 2016

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

Tax Data: 50.14-1-51

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/8/2016

Date Review Received: 8/31/2016

Item: **309 NORTH MAIN STREET (R-1025A)**

Variations for lot area, lot width, front yard, side setback, total side setback, side yard, rear setback, rear yard, maximum development coverage and minimum distance from access point to intersection to allow the rebuilding and expansion of a gas station and convenience store on .4592 gross acres (.4395 net acres) in an NS zoning district. Variations are also required from several of the individual special permit standards listed in Section 376-125.

West side of Route 45 and south side of Locust Street

Reason for Referral:

NYS Route 45

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***

Article XIII of the Town of Ramapo Zoning Law addresses nonconforming uses, buildings or lots. Section 376-131.B. applies to nonresidential buildings or structures. It states, "Normal maintenance and repair, alteration in, or reconstruction or enlargement of, a building or structure with non-complying bulk is permitted if the same does not increase the degree of or create any new non-complying bulk in such building or structure." The applicant is proposing a 68.5 percent increase in the building area, as well as the addition of four gasoline pumps with two nozzles per pump, thereby expanding the gas station component. A 32' x 50' canopy is proposed over the pumps. There is also some question as to whether the convenience store is a new use. We believe that this proposal is prohibited under Section 376-131.B. as it will increase the degree of, and create new, non-complying bulk. The expansion shall not be permitted.

We offer the following additional comments on this application.

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1 The proposed "gasoline, service station" requires a special permit from the Planning Board. By definition, special permit uses are subject to a higher standard of review. This proposal is deficient in meeting the individual standards for gasoline service stations listed in Section 376-125. A., B., C. and D. These deficiencies warrant a denial of the application.

2 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, nonconforming 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.

3 A review shall be completed by the New York State Department of Transportation, particularly with regard to the design of the site access. All raised concerns must be addressed, and required permits obtained.

4 The parking analysis states that 15 parking spaces are provided; the bulk table indicates 14 spaces. Fourteen parking spaces are illustrated on the site plan. Eight of these parking spaces are within the gasoline pump area. It is unclear how fueling area can serve as a parking area. This arrangement will encourage queuing on a site with insufficient parking and frontage on a state road. This is not ideal. In addition, there is minimal room for maneuvering for vehicles parked in three spaces in the southwest corner of the site, at the rear of the building. Is the crushed stone pavement area to serve as a turnaround area. This must be clarified. The remaining three spaces are parallel rather than head-in parking spaces. Vehicles parking in these spaces will potentially block the access drive as they navigate into the parallel space. The building footprint shall not be increased. All required parking must be provided on-site and safely configured. The area along the gas pumps cannot serve as parking spaces.

5 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the commercial building must be held to the requisite minimum standards and comply with all requirements of this code. As shown, the commercial building will require a variance from the New York State Uniform Fire Prevention and Building Code since it is located closer than ten feet to the property line.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.

8 Four variances (front yard, rear setback, rear yard and maximum development coverage) are listed in the Town of Ramapo's Building, Planning and Zoning Department's August 23, 2016 denial letter. The bulk table indicates that variances are also required for lot area, lot width, side setback, total side setback, side yard, rear setback, maximum development coverage, parking and minimum distance from access point to intersection. The necessary variances must be clarified; all application materials must be consistent. The public hearing notice will have to be reissued if it did not include all of the required variances.

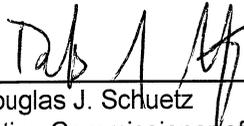
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9 The height of the mesa block retaining wall must be provided so it can be determined if the wall complies with Section 376-52.C.

10 The proposed dumpster location is within five feet of the rear property line and the adjacent residential property. This proposal is deficient in meeting the ten-foot landscaped buffer area requirement for residential districts. While a five-foot landscaped area is proposed, it is not illustrated on the Layout Plan. The dumpster must be relocated away from the residential property.

11 The Layout Plan must include a vicinity map with a scale and north arrow,

12 The special permit and site plan applications required for this proposal are subject to a review by this department as mandated under the NYS General Municipal Law.



Douglas J. Schuetz
Acting 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
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Hillcrest Fire District

Leonard Jackson Associates

Pincus Braun

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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

