

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 25, 2016

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

Tax Data: 38.15-1-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/24/2016

Date Review Received: 7/28/2016

Item: *CO-MIX CONCRETE/101A STERLING MINE ROAD (R-2577)*

Review of an administrative decision of the Town of Ramapo Building Inspector determining that the proposed "batch plant" is a prohibited use in the PI zoning district. The concrete batch plant is currently operating on a portion of a 19.6 acre site in the PI zoning district.

A landlocked parcel approximately 600 feet south west of Sterling Mine Road, along the municipal boundary of the Village of Sloatsburg, and 350 feet west of the intersection of Sterling Mine Road and Sebastian Court.

Reason for Referral:

Village of Sloatsburg, Sterling Mine Road (CR 72)

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 department concurs with the determination of the Town of Ramapo's Director of Building, Planning and Zoning that the concrete batch plant is a prohibited use under the Town's Zoning Law. The batching operation, as described in separate correspondence from the applicant, his attorney and the project engineer, involves the initial steps required in the production of concrete. While the final phase of production occurs in the mixer truck at each individual job site, the combining of the raw materials required for ready mix concrete takes place at the subject site. This is an essential step in the production process and is prohibited as per Section 376-33 and Section 376-23D. If the Board agrees with the Director's interpretation, then a use variance will be required and subject to a review by the Zoning Board of Appeals and this department.

The following comments address our additional concerns about the proposed use.

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1 This site is landlocked and does not have direct access to Sterling Mine Road so an easement will be required over one of the adjacent lots to the county road. The trucks transporting the raw materials to the concrete batch plant, and the batched mix to individual job sites, will travel along Sterling Mine Road. Land disturbance has already occurred without any Rockland County Highway Department permits. A review must be completed by the Highway Department and any concerns addressed, and required permits obtained.

2 The Village of Sloatsburg is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Sloatsburg must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Sloatsburg must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

5 The site plan submitted with this application is deficient in that it does not illustrate the proposed on-site parking or include a parking calculation for this use. In addition, the connection to Sterling Mine Road is not clearly indicated so it cannot be determined if emergency vehicles can easily access the site. A complete site plan must be provided.

6 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 proposed facility must be held to the requisite minimum standards and comply with all requirements of this code.

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

CO-MIX CONCRETE/101A STERLING MINE ROAD (R-2577)



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Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
Sloatsburg Fire District

Sparaco & Youngblood, PLLC
Village of Sloatsburg

Co-Mix Concrete

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.

