

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 6, 2016

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.15-2-13.2 56.15-2-14 56.15-2-13.1 56.15-2-13

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

Map Date: 8/26/2016

Date Review Received: 11/3/2016

Item: *ROCKLAND TIRE (R-688D)*

Site plan for parking lot and traffic circulation improvements for an existing auto repair and maintenance facility on 1.04 gross acres (1.02 net acres) in an MU-1 zoning district. These improvements are possible because the applicant has acquired additional land area from the New York State Department of Transportation.

Southeast corner of Route 59 and Saddle River Road

Reason for Referral:

NYS Route 59, Saddle River Road (CR 73), Monsey Glen Park, 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 August 26, 2016 site plan must be completed by the New York State Department of Transportation (NYS DOT). In addition, the applicant must comply with the conditions of the NYS DOT letter of April 15, 2015. NYS DOT raises a number of serious concerns about the design, access and layout of the site. These issues must be satisfactorily addressed.
- 2 An updated review of the August 26, 2016 site plan must be completed by the Rockland County Highway Department. The applicant must comply with the conditions of the Highway Department's letter of June 29, 2015.
- 3 A review must be completed by the Rockland County Division of Environmental Resources and any concerns addressed.

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- 4 The application lists three parcels that comprise this site. However, our tax maps indicate that a fourth parcel, the parcel acquired from the State of New York on October 30, 2003 - Map #108, parcel #118 is tax parcel 56.15-2-13.2, should also be included as part of the site plan application. The map note on the site plan denoting the fee parcel acquisition, Note #1 in the Notes Table, and the application materials must be updated to reflect the inclusion of this tax parcel.
- 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 automotive repair and maintenance facility must be held to the requisite minimum standards and comply with all requirements of this code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 7 The previous site plan submission included a proposed pylon sign in the northwest corner of the site. That sign is no longer shown on the map. Has it been eliminated from the proposal? This must be clarified.
- 8 The subject site is immediately north of a proposed Park and Ride facility for commuters. The Rockland County Department of Public Transportation must be given the opportunity to review this site plan, and any raised comments or concerns addressed.
- 9 There are several signs on Drawings 1, 2 and 3 labeled as Sign A, B, C and D with no corresponding legend on these sheets or on Drawing 5, the detail sheet. The specific type of signs must be clearly identified.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 12 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 13 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in the southeastern-most space. The dumpster enclosure must be moved to a more accessible location.
- 14 The GML referral form must include all tax parcels that make up this site.



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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

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New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Rockland County Department of Public Transportation
Sparaco & Youngblood, PLLC

Wallace Enterprises, 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.*

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.

