

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 25, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.14-1-51

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

Map Date: 12/2/2016

Date Review Received: 12/16/2016

Item: 309 NORTH MAIN STREET (R-1025B)

Special permit and site plan application 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. Variances were granted 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. Variances 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 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 the special permit and site plan 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 lot area of the subject site is deficient by 68 percent. 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. We concur with the Town's Planning Consultant's recommendation that the continuous curb cut along North Main Street be replaced with two separate curb cuts, with a raised center median along the state highway and clearly identified access points to the service station.

4 The onsite parking requirement for this proposal is 23 spaces. Fourteen parking spaces are illustrated on the site plan so only 61 percent of the required parking is provided. Eight of these parking spaces are within the gasoline pump area. It is unclear how the fueling area can also 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 the 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 four 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 spaces. 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 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 20, 2016.

8 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 21, 2016.

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9 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 as only a five-foot landscaped area is proposed. The dumpster must be relocated away from the residential property.

10 The intensity of the candle lumens must be less than 0.1 at the property line.

11 The revision dates on the List of Drawings on the Title Sheet must be corrected. Drawing Number 1 and 2 were last revised on December 2, 2016.



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
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.

