

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

September 7, 2017

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

**Tax Data:** 56.15-2-8

56.15-2-7

56.15-2-6

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

**Map Date:** 8/2/2017

**Date Review Received:** 8/8/2017

**Item:** *A & B MARKET (R-2396D)*

Front yard (Second Street), side setback and rear yard (parking) variances to allow the construction, maintenance and use of a three-story, 18,000 SF mixed-use building on .74 acres in the MU-1 zoning district. Retail space is proposed in the basement and on the first floor. A 224 SF studio apartment is proposed on the second floor. The remainder of the second floor and all of the third floor will contain office space. Construction is ongoing. Changes in the field resulted in a higher elevation and building height, necessitating site plan revisions, and additional variances. The ZBA previously granted variances for front setback and front yard on Route 306, maximum development coverage and parking. North side of Second Street, west side of Main Street

### **Reason for Referral:**

NYS Route 306, NYS Route 59, Saddle River Road (CR 73)

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 In addition to conforming to the MU-1 bulk standards for Use Group "I", this mixed-used development must comply with the supplementary regulations outlined in Section 376-66.A. Any changes in the mix of uses shall be subject to a new site plan review, and a review by this Department, as mandated by the New York State General Municipal Law.
- 2 An updated review of the August 2, 2017 Layout Plan must be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. In addition, the applicant shall comply with the conditions of the NYSDOT letter of February 26, 2016.

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3 An updated review of the August 2, 2017 Layout Plan must be completed by the Rockland County Sewer District #1 and all required permits obtained. In addition, the applicant shall comply with the conditions of the Sewer District #1's letter of March 30, 2017.

4 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 applicant is proposing development coverage that exceeds the maximum permitted by 19 percent and only 50 percent of the required on-site parking is provided. Additional variances are now required. The ability of the existing infrastructure to accommodate non-conforming mixed-use developments 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.

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 proposed mixed-use building must be held to the requisite minimum standards and comply with all requirements of this code.

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

7 A vicinity map must be provided on the Layout Plan.

8 General Note 14 must be corrected as SUEZ is the water supplier.

9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Department of Highways  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Leonard Jackson Associates

## **A & B MARKET (R-2396D)**

A & B Market

*\*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.*

