



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 12, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 47.07-1-3

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

Map Date: 6/1/2017

Date Review Received: 11/14/2017

Item: *HIGH MOUNTAIN MAINTENANCE (R-2625)*

Site plan for a maintenance and storage facility for vehicles, on a parcel located in the R-40 zoning district on 5.00 acres. The site was previously owned by the Town of Ramapo, and was used for the Police Athletic League.

East side of Torne Valley Road, approximately 680 feet north of the Village of Hillburn boundary

Reason for Referral:

Torne Valley Road (CR 95), Ramapo River, H. Pierson Mapes Flat Rock Park, Rockland County Sewer District #1 facility, Harriman State Park

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:

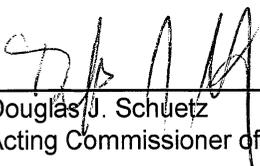
**Recommend the following modifications*

1 The parcel is currently located in the R-40 zoning district, which does not permit maintenance and storage of vehicles as a use. The previous use, when owned by the Town of Ramapo, was for a Police Athletic League, not a maintenance and storage of vehicles facility. Therefore, citing a previous non-conforming use is not a valid basis to permit this new use. Consequently, before the site plan can be approved, a use variance must be sought and the applicant must demonstrate that all four of the following conditions are met:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood;
3. The requested variance will not alter the essential character of the neighborhood; and
4. The alleged hardship is not self-created.

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- 2 A note on the plans indicate that this property was previously approved as a condition of sale as a PI Zone. However, no zone change has occurred, and the property is still zoned as R-40 by the Town of Ramapo. This parcel is not located directly adjacent to any parcel within the PI zoning district, and in fact, is surrounded by fragile lands within the R-40 and R-80 zoning districts. The site is steeply sloped, and as indicated in the County Highway letter, slopes downhill towards the County highway. If it is the Town's intent for this site to be used as a PI use, then a comprehensive analysis must be completed of the area to determine the extent of any rezoning. This must take into account the fragile, steeply sloped lands, the possible timber rattle snake habitats, and drainage. Any proposed zone change would be subject to a review by the Rockland County Department of Planning.
- 3 The bulk table provided lists the standards for the PI zoning district. As this parcel is within the R-40 zoning district, the appropriate zoning district standards and use group must be provided.
- 4 The conditions in the September 27, 2017 and December 1, 2017 letters from the Rockland County Department of Highways must met.
- 5 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 6 A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- 7 An updated review must be completed by the County of Rockland Drainage Agency, and any concerns addressed, and required permits obtained.
- 8 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- 9 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 10 If the fuel tank is 1,100 gallons or greater, the applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk fueling storage tank, as per code. These tanks must also be registered with them.
- 11 Four truck parking areas are located in front of the parking area for the dumpsters. An alternate location must be identified for the dumpsters, where vehicles will not impede access to them.
- 12 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 13 All proposed signage must be shown on the site plan, and conform to all Town requirements.
- 14 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

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Rockland County Sewer District #1
Rockland County Division of Environmental Resources
Palisades Interstate Park Commission
Sparaco & Youngblood, PLLC

**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.

