



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 6, 2018

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 55.10-2-40

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

Map Date: 12/7/2017

Date Review Received: 1/30/2018

Item: *CAMPBELL PLAZA (R-2042D)*

Site plan for a raised, two-story, 21,458 SF office building on 1.2315 acres in an NS zoning district. Some of the required on-site parking will be provided at grade under the building. The applicant is seeking waivers from the minimum requirements for on-site parking and parking aisle width. Northeast side of Campbell Avenue, approximately 170 feet south of Route 59

Reason for Referral:

NYS Route 59, Hemion Road (CR 93), Villages of Suffern, Montebello and Airmont

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 Villages of Suffern, Montebello and Airmont are three of the reasons this proposal was referred to this department for review. The Suffern municipal boundary is along Campbell Avenue, 50 feet south and west of the site. This area of Suffern is zoned R-15; the residential neighborhood to the south and east of the site is characterized by single-family residences. The Montebello municipal boundary is along the south side of Route 59, approximately 190 feet northwest of the site; the Airmont municipal boundary is along the north side of Route 59, approximately 225 feet northeast 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.

CAMPBELL PLAZA (R-2042D)

The Villages of Suffern, Montebello and Airmont 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 Villages of Suffern, Montebello and Airmont must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 A review must be completed by the New York State Department of Transportation, and any concerns addressed and required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Highway Department's letter of January 12, 2018.
- 4 An updated review of the December 7, 2017 site plan must be completed by the Rockland County Health Department, and all required permits obtained. In addition, the applicant must comply with the conditions of the Health Department's letter of September 7, 2017.
- 5 An updated review of the December 7, 2017 site plan must be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's letter of September 8, 2017.
- 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 office building 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 Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises. Particular attention must be paid to the parking area under the elevated building, and the narrow aisle widths.
- 8 The project engineer's December 7, 2017 comment response memo indicates that the traffic engineer has provided turning tracks to demonstrate that emergency vehicles can traverse the site. This information was not included in the application materials submitted to this department. The turning tracks drawing must be provided for our review.
- 9 The existing conditions underlay each of the site plan drawings submitted making it difficult to evaluate the proposal. This is especially true when examining the on-site circulation and the parking configuration. These details must be eliminated from the Site Plan, the Grading Drainage and Utilities Plan, and the Landscaping, Lighting and Erosion Control Plan. A separate existing conditions map must be provided that clearly indicates what is to be removed.
- 10 The proposed on-site circulation must be illustrated on the site plan. The flow of traffic must be clearly indicated on the drawings and in the field.
- 11 The structures and driveways on the adjacent properties must be indicated on the site plan.
- 12 Enhanced landscaping or a berm must be provided along Campbell Avenue, in front of the parking spaces facing the roadway. This will shield headlights from shining into oncoming vehicles traveling on the road, and mitigate the visual impact of the raised structure when seen from the residential properties in the Village of Suffern.

CAMPBELL PLAZA (R-2042D)

13 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant for employees and customers. This is especially important given that the minimum on-site parking is not achieved.

14 The Landscaping, Lighting and Erosion Control Plan only shows lighting proposed at the rear of the site. This seems unlikely. A complete lighting plan must be provided illustrating what is proposed near the building and the parking areas closer to Campbell Avenue. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

15 All proposed signage must be shown on the site plan, and conform to all Town requirements.

16 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

17 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.

18 There shall be no net increase in the peak rate of discharge from the site at all design points.

19 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.

20 The vicinity map must include a north arrow and scale. Zoning district boundaries shall also be shown.

21 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.

22 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1

CAMPBELL PLAZA (R-2042D)

New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Civil Tec Engineering & Surveying, PC
Villages of Suffern, Montebello and Airmont

Campbell Plaza, LLC

Mona Montal, Chief of Staff

**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.