

**DEPARTMENT OF PLANNING**

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

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

October 23, 2018

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.12-1-5.1

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

**Map Date:** 12/21/2017

**Date Review Received:** 9/10/2018

**Item:** *MONSEY PROFESSIONAL PLAZA (R-2054B)*

Site plan for the proposed construction of a 5,278 sq. ft., one-story warehouse addition to an existing warehouse/office building located on 3.09 acres in the PI zoning district.

South side of Moscarella Road, approximately 285 feet west of Robert Pitt Drive

**Reason for Referral:**

Village of Spring Valley

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 Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly east of the site, and contains a significant amount of parking for the building. 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 county-wide 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 which is supportive of the goals and objectives of the general area.

The Village of Spring Valley Planning Board must do a review of the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The Village of Spring Valley must be provided a copy of the application to review, and provide any comments or concerns since the driveway access and parking areas are located within the community.

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- 2 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 3 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.
- 4 An updated traffic study and parking analysis must be done to ensure that there is sufficient capacity for the proposed addition. A parking variance is required since six existing parking spaces are being eliminated. The study must review the peak demand periods for the existing uses, to guarantee that the parking needs can be accommodated given the reduction in the number of parking spaces along with the increased site usage. The Town must also monitor the parking of the site to make sure that the parking needs are met in the future.
- 5 It is not clear if the existing drive-in bay will remain where the new building is proposed. This must be clarified. The location of the loading berths must be clearly delineated. If trucks are to enter the building from the shortened parking area, then conflicts will arise with trucks entering/exiting the building and the parking spaces. Sight distance may be an issue. These concerns must be clarified and addressed.
- 6 Since the site is deficient in parking, specific parking areas must be designated for the multiple uses on site to ensure that each use, including the new warehouse, has adequate parking for employees, and other users of the site.
- 7 We note that multiple variances are required in order to permit the new 5,278 sq. ft. building addition. Required variances include maximum development coverage, floor area ratio, buffer, and parking; all indicators that the uses are an overdevelopment of the site. The floor area ratio exceeds the requirement by over 32% and the maximum development coverage by over 6%. The size of the addition must be reduced so that the proposal better complies with the bulk requirements.
- 8 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.
- 9 A landscaping plan that meets all Town requirements shall be provided.
- 10 To help reduce the extent of the development coverage needed, pervious pavers and additional landscaping must be incorporated into the site plan.
- 11 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Sewer District #1  
Rockland County Department of Health  
  
Sparaco & Youngblood, PLLC  
Village of Spring Valley Planning Board

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.*

## **MONSEY PROFESSIONAL PLAZA (R-2054B)**

*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.*

