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 27, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.15-2-10

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/21/2019 **Date Review Received:** 12/2/2019

Item: ***14-16 MAIN STREET (R-1906F)***

Site plan for the construction of a 12,340 SF mixed-use building on 0.323 acres in the MU-1 zoning district. The first floor will contain retail with the second and third floors containing a total of ten two-bedroom apartments. Variances are required for lot area, front setback, front yard, maximum development coverage, number of parking spaces, commercial area less than 60 percent of the development, no loading berth, and a structure less than 25 feet from the pavement edge of interior roadways.

East side of Main Street, opposite Second Street

Reason for Referral:

Main Street (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:

***Disapprove**

1 The MU-1 zoning district was created as a result of recommendations promulgated in the Town's 2004 Comprehensive Plan. In addition to use and bulk standards, supplementary regulations were established for mixed use developments. The MU-1 supplementary regulations are listed in Section 376-66.A. The proposed development fails to meet the 60/40 ratio required for commercial and residential uses. Additionally, the building is closer than 25 feet from the pavement edge on interior roadways. These regulations are reasonable, and were adopted to ensure the construction of well-designed mixed use developments. The proposal must be modified to comply with all of the criteria in Section 376-66.A.

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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 subject parcel is 30 percent deficient in meeting the minimum lot area requirement. The front yard and front setback are only 70 percent of the required minimum. The maximum permitted development coverage is exceeded by 27 percent. The ability of the existing infrastructure to accommodate a non-compliant mixed use development, and increased residential density, on an undersized parcel 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. The building footprint and the number of residential units shall be reduced to more closely comply with the MU-1 bulk standards, as well as the applicable supplementary regulations.

3 The parking calculation indicates that a 34 percent variance is needed from the minimum on-site parking requirement. However, only 56 percent of the provided parking spaces are located on the subject parcel. Eleven spaces are located beyond the eastern property line and within a 20-foot easement over the adjacent property. In effect, the actual parking variance is more than 63 percent. The inability to provide even 37 percent of the required on-site parking within the property lines of this parcel is another indication that this proposal will result in an overutilization of the site. It is also not possible to provide the required loading berth. The building footprint must be scaled back and fewer residential units permitted so that the required on-site parking can be provided on the parcel.

The following comments address our additional concerns about this proposal:

4 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

5 Residents and Town officials have previously expressed concerns to this department about the increasing traffic congestion along the Route 59 and Route 306 corridors. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Zoning Board of Appeals overrides our GML recommendations by granting variances to allow oversized commercial structures and increased residential density on undersized lots such as the subject site. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and putting the walking population at greater risk. The Town must consider pedestrian safety when evaluating the impact of the proposed site plan.

6 The applicant must comply with the conditions of the Rockland County Highway Department's letter of December 10, 2019.

7 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 9, 2019.

8 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of December 10, 2019.

9 The proposed mixed use building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a NYS variance is required because the aerial apparatus access way is located on an adjacent parcel.

10 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 Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

11 The site plan does not depict the correct parcel boundary, but rather includes of portion of Lot 56.15-2-11 as part of the site. An accurate parcel boundary must be provided on the site plan.

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12 The easement areas must be deducted from the gross lot area. The magnitude of certain variances may increase as a result of the reduced net lot area.

13 The Designated Street Line (DSL) must be indicated on the site plan. The front yard and front setback measurements shall be to the DSL. The appropriate lot area deductions must also be indicated.

14 The development coverage calculation must be provided on the site plan so its accuracy can be verified.

15 The applicant must consider using pervious pavers where appropriate to reduce the extent of the development coverage variance.

16 Additional information must be provided about the proposed cantilever decks that extend over the driveway and beyond the parking area on the south side of the building, as well as the east side of the structure. The supports for the decks must be illustrated on the site plan. Given the proposed retail use, and that the driveway includes a ten-foot easement to provide access to the commercial lot to the south, truck traffic is likely. Therefore, we consider this to be an unsafe location for the southern deck. The immediate proximity of the southwestern parking space to the building support column is also of concern. As noted above, the building footprint and number of residential units must be reduced. This will allow for a safer parking lot configuration and traffic flow.

17 The driveway and aisle widths must be 24 feet. The southern and eastern driveways and aisles are deficient as proposed. Vehicles cannot safely maneuver in and out of the proposed parking spaces.

18 All proposed building entrances and exterior stairways must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. It must be shown how access to the retail will be provided. Parking maneuverability shall not be affected by the location of these features.

19 The location of the dumpster enclosure is inaccessible to sanitation workers, especially if there is a vehicle parked in the space to the east of the enclosure. Access to the dumpster must be unimpeded, and it must be demonstrated on the site plan that its location will not impact yard requirements and parking maneuverability for the site.

20 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. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers, staff and residents. This is especially critical for this site since the minimum parking requirement is not achieved. In addition, it will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.

21 The lighting plan shall show fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

22 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

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

24 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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25 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

26 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

27 General Note 8 must be corrected to specify Section 239 L & M of the General Municipal Law, as this is a site plan application, not a subdivision.

28 The spelling of the Fire District must be corrected in General Note 12 .

29 The vicinity map must include a scale and a north arrow. Additionally, the subject parcel must be highlighted.

30 Drawing No. 5 of 5 is entitled "Site Plan" but it is the detail sheet. The title must be corrected.

31 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

32 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.

33 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
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC

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Reliable Auto Care of Monsey, Inc.

Mona Montal, Chief of Staff
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.