

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 26, 2019

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

Tax Data: 50.14-2-9

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

Map Date: 6/10/2019

Date Review Received: 7/12/2019

Item: **300 NORTH MAIN STREET, BH, LLC. (R-1956G)**

Variations to permit the redevelopment of an existing 5,800 SF firehouse into a 17,400 SF office building by expanding the existing second story to the full building footprint. The parcel is located on 1.5 acres in the NS zoning district. The variations requested include front yard (State Street), street frontage (State Street), and maximum height. A 25% waiver for parking from the planning board is also required.

East side of North Main Street, west side of State Street, approximately 215 feet north of East Eckerson Road

Reason for Referral:

East & West Eckerson Road (CR 74), North Main Street (NYS Route 45), 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 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 front yard and street frontage along State Street are deficient by 95% and 69.9%, respectively. The building height is also greater than the maximum permitted by 33%. The ability of the existing infrastructure to accommodate non-conforming commercial structures 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.

2 The applicant must find an alternate location on-site that could be used in the event that more parking is required. Under no circumstances is parking allowed in the State right-of-way.

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- 3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of July 18, 2019. In addition, all required permits must be attained from them.
- 4 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 6 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 257 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.
- 7 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees and customers, especially since a 25% waiver for parking is requested.
- 8 We request the opportunity to review the site plan for this property as mandated under New York State General Municipal Law.
- 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
New York State Department of Transportation
Rockland County Department of Health

Lanc & Tully Engineering and Surveying, P.C.
Village of Spring Valley

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.*

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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.

