Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 8, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.15-1-47

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/18/2018 **Date Review Received:** 2/7/2019

Item: ***MONSEY OFFICE PARK (R-2224C)***

Revised final site plan for a three-story, 22,900 SF office and warehouse building on .9013 acres in a CS zoning district. The first floor will be 2,390 SF; the second and third floors will be 10,300 SF. The on-site circulation system will be under the second and third stories, and around the smaller first floor. A lobby area is now proposed. Variances were granted in 2009 and 2010 for front setback, front yard, rear yard, maximum height, development coverage, floor area ratio, parking and loading berths. A 1,984 SF gore was acquired which eliminated the need for a rear yard variance.

South side of Route 59, 275 feet east of Suffern Place

Reason for Referral:

NYS Route 59

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 Our department reviewed earlier versions of this proposal in 2008. We noted that office buildings are an as-of right use in the Commercial Shopping district subject to the bulk requirements for Use Group "B". We recommended that the previous site plan and required variances be denied since the proposal was so deficient in meeting the requisite bulk standards. Our 2008 comments are still valid.

The subject site is irregularly shaped. However, it exceeds the minimum lot area requirement by more than 96 percent so it is possible to design a conforming office building. While the applicant has reduced the size of the building by 3,690 SF, the project still requires several significant variances. A Floor Area Ratio variance of 47.5 percent is required. A 15,700 SF building is permitted on this parcel; a building of almost 23,000 SF is proposed. The parking requirement for this oversized building is 87 spaces. The applicant is providing 56 spaces or 35.6 percent less than required.

New construction must conform to the bulk requirements of the zone in which it is proposed. This proposal will result in an overutilization of the site as evidenced by the number and magnitude of the variances sought. The applicant must reduce the square footage and the height of the building so that it complies with the CS bulk

standards. Less on-site parking will be required for a smaller building. As a result, the amount of impervious surface will be reduced and the need for yard and setback variances may be eliminated. The revised site plan must be submitted for our review.

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 ability of the existing infrastructure to accommodate oversized commercial buildings 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 must be scaled back to more closely conform to the CS zoning district.

The following comments address our additional concerns about this proposal.

3 An updated review of the December 18, 2018 site plan must be completed by the New York State Department of Transportation (DOT), and all required permits obtained. In addition, the applicant must satisfactorily address the conditions of DOT's January 15, 2009 letter.

4 The applicant must satisfy the condition of the Rockland County Health Department's February 20, 2019 letter. In addition, compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code must be achieved.

5 The applicant must comply with the conditions of the Rockland County Sewer District #1's February 13, 2019 letter.

6 The proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The applicant must satisfactorily address the conditions of the Ramapo Fire Inspector's February 7, 2019 memorandum.

9 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.

10 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

11 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 Guidelines for Urban Erosion and Sediment Control.

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

13 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.

MONSEY OFFICE PARK (R-2224C)

14 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

15 A landscaping plan shall be provided which includes low evergreen landscaping supplementing the area along the State highway to block the headlights of parked cars from shining into the roadway.

16 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.

17 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 any 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 to be used by customers and employees. This is critical since the minimum on-site parking requirement is not achieved.

18 A crosswalk shall be provided from the southern row of parking spaces to the bank entrance. Crosswalks must also be provided from the northern and southern parking rows to the lobby entrance.

19 The development coverage and floor area ratio (FAR) calculations must be provided on the site plan so their accuracy can be verified. The FAR must include the lobby floor area.

20 The vicinity map shall include a north arrow .

21 Map Notes 20 and 21 shall specify which variances were granted at each meeting. The bulk table includes three separate footnotes but none of the variances granted are followed by the two asterisks indicating the February 2, 2010 ZBA meeting. Two asterisks are included in the parking requirements for the total parking provided and the number of loading berths. However, a January 29, 2009 ZBA meeting is specified. These inconsistencies must be corrected.

22 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.

23 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 Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Atzl, Nash & Zigler P.C.

MONSEY OFFICE PARK (R-2224C)

One Hundred Forty One Route 59 LLC

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.