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

December 2, 2019

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

Tax Data: 33.19-2-10.3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/26/2019 **Date Review Received:** 10/28/2019

Item: ***RAMAPO OPTHALMOLOGY (R-1193A)***

Side setback, total side setback, side yard and rear yard variances to allow the construction of a 25-foot addition and a second story to an existing medical office building on .9438 acres in an LO zoning district. The parking lot will be expanded to accommodate the increased office space. Variances were previously granted for lot area, lot width, front setback and rear setback.
South side of Medical Park Drive, 222 feet east of NYS Route 45

Reason for Referral:

Village of New Hempstead, NYS Route 45, Palisades Interstate Parkway

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 ability of the existing infrastructure to accommodate enlarged medical office buildings on undersized parcels 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 size of the proposed addition must be reduced.

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

3 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

RAMAPO OPTHALMOLOGY (R-1193A)

4 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

5 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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

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

8 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 45, 190 feet west 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.

The Village of New Hempstead 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 Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

10 A turnaround area must be provided at the eastern end of the parking lot so a vehicle in space 39 can easily maneuver out of the spot.

11 It will be difficult for sanitation workers to access the dumpster area if vehicles are parked in spaces 16 and 54. The dumpster enclosure must be moved to a more accessible location.

12 The September 20, 2019 project narrative and the bulk table indicate that a rear yard variance is required for the proposal. This variance is not specified in the September 4, 2019 Building Department's CDRC comments. All application materials must be consistent. The public hearing notice must be reissued if it did not contain all required variances.

13 The trees to be removed must be identified on the site plan. There are currently trees shown in the expanded parking area.

14 Every effort shall be made to protect and preserve the existing stone wall running along the southern property line which is immediately adjacent to Town parkland.

15 The vicinity map shall include a north arrow.

16 The site plan is subject to a review by this department as mandated under the NYS General Municipal Law.

RAMAPO OPTHALMOLOGY (R-1193A)

17 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.

18 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
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Hillcrest Fire District

Anthony R. Celentano P.E.
Village of New Hempstead

Ramapo Ophthalmology

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.