

## 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*

September 11, 2019

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

**Tax Data:** 56.16-1-13

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

**Map Date:** 7/24/2019

**Date Review Received:** 8/6/2019

**Item:** *TOWN SQUARE OFFICES (R-787D)*

Variations to permit the construction of a 5.5 story, 132,000 SF office building on 6.56 acres in the CS zoning district. The 21.83-acre parent parcel will be subdivided, with the office building to be located on Lot 1. Lot 2 will contain 15.27 acres and remain vacant. Secora Road will be extended to connect to the interior road proposed on the parcel, and will serve as a divider for the two parcels. The variations required include side yard, maximum height, development coverage, and floor area ratio.

South side of NYS Route 59, approximately 415 feet east of Robert Pitt Drive

### **Reason for Referral:**

NYS Route 59, 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:

***\*Disapprove***

1 The New York Metropolitan Transportation Council (NYMTC), is currently undertaking the Route 59 Area Transportation & Land Use Study. NYMTC's partners in this effort are the New York State Department of Transportation (NYSDOT), Rockland County, the Town of Ramapo, and the Villages of Airmont and Spring Valley. The Route 59 Area Transportation & Land Use Study will identify and evaluate transportation and development issues and future scenarios in the Route 59 corridor. The subject site is within the Route 59 Study Area. Given that Ramapo is a partner in this process, the Town Planning Board must evaluate development proposals in the study area in the context of the goals and objectives espoused in this effort, and the future "Envision Ramapo" strategic plan for the Monsey area. We do not believe this proposal aligns with these goals and objectives, or the preferences expressed by local citizens during the Route59 Community Planning Workshops.

The site has almost 200 feet of frontage along Route 59. It is approximately one-third of a mile east of the intersection of Routes 59 and 306. Neotraditional development was envisioned for this area in Ramapo's 2004 Comprehensive Plan. It recommended that buildings be placed close to the street similar to the placement of

## **TOWN SQUARE OFFICES (R-787D)**

buildings in a traditional downtown. The Monsey Area Plan identified properties around this intersection as particularly suitable for redevelopment in accordance with neo-traditional design principles. This concept continues to be discussed as an objective of the Route 59 Area Transportation & Land Use Study. In the subject application, the 1.5 acres immediately south of the state highway will contain an access road and 99 parking spaces. The proposed office building is set back more than 300 feet from Route 59. The applicant is proposing an expansive parking lot along the site frontage in contradiction to the Town's stated vision for this area. This large parking area is also noted in the Town Planning Consultant's July 3, 2019 memorandum. In addition, the proposed access road is within five feet of the exit driveway serving the adjacent site to the west. Multiple curb cuts in close proximity are not considered an ideal access management practice. The Town's engineering consultant discusses improved access management in a July 9, 2019 letter, and recommends an examination of cross lot access easements and connections to the parcel to the west. The multiple access points along this section of Route 59 are a serious consideration in terms of pedestrian safety. Town officials have previously expressed concern to NYSDOT and this department about the increasing traffic congestion along the Route 59 corridor. The issue of pedestrian safety has been raised repeatedly. This project proposes a vehicle-centric layout that is not pedestrian-friendly. Bringing the building within 30 feet of Route 59, rather than 360 feet south of it, will allow the walking public easier access to the future office space, as well as public transportation opportunities along the state highway. As we have noted in previous GML reviews, 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 opportunity exists to change the narrative by putting pedestrians on equal footing with vehicles. The Town must evaluate this proposal, and its plans for the second parcel, in the larger context of the Route 59 Area Transportation & Land Use Study, as well as its "Envision Ramapo" strategic plans.

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 maximum height of the building is exceeded by 160 percent while the side yard is only 51 percent of the required bulk standard. The development coverage and floor area ratio are also exceeded by 16.4 percent and 15 percent, respectively. 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 current configuration shall not be permitted, and the height and size of the building must be reduced so fewer variances are required.

3 This department has some serious site plan concerns that must be addressed prior to variances being granted. The off-site location of the proposed stormwater management basin is particularly concerning given its immediate proximity to a potential future extension of the site access road. This extension and a possible connection to the proposed Park and Ride lot were discussed at the July 9, 2019 Ramapo Planning Board meeting. Any future connection to the Park and Ride lot must be reviewed and approved by the Rockland County Department of Public Transportation, as well as this department. The site access road varies in width from 30 to 40 feet. If it is to serve multiple lots and provide a connection to the Park and Ride lot, will it be a dedicated Town road? Does it conform to the Town's road width and design standards? Lastly, a bus shelter is currently located along the Route 59 frontage. It is unclear if this proposal will include a bus shelter. This must be clarified. If so, an eyebrow pull-off is recommended. Given these concerns, we request that the site plan application be referred for a GML review in advance of a ZBA decision regarding the variances.

The following comments address our additional concerns about the proposal:

4 An updated review of the July 24, 2019 drawings must be completed by the NYSDOT, any comments or concerns addressed, and all required permits obtained. In addition, the applicant must comply with NYSDOT's letter of June 26, 2019. The Traffic Impact Study must include a safety study. The need for a traffic signal must be considered if left turns are permitted in to or out of the site.

## **TOWN SQUARE OFFICES (R-787D)**

5 The Village of Spring Valley is one the reasons this proposal was referred to this department for review. The municipal boundary is along the northern and eastern borders 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 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 must be consulted about the proposed connection of the interior road on Lot 1 to Secora Road.

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

6 The applicant must comply with the conditions of the Rockland County Health Department's letters of May 13, 2019 and July 3, 2019. The sanitary sewer capacity issues mentioned must be satisfactorily resolved before any approvals are granted for this project.

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

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

9 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.

10 A review shall be completed by the Rockland County Department of Public Transportation to determine the best location for pick-up and drop-off of potential TRIPS users. In addition, the Department of Public Transportation must be consulted if a bus shelter is proposed, or the access road is to be connected to the Park and Ride lot.

11 The development coverage for the proposal must be clarified. The project narrative states it is to be 88 percent, the Building Department's CDRC comments list it as 86 percent, while the bulk table provided on the site plan indicates it will be 87.3 percent. In addition, the Building Department's CDRC comments state the required development coverage is 30 percent, when it is actually 75 percent. This shall be corrected and, if the public hearing notice was issued with incorrect information, it must be reissued.

12 Drawing No. 1 indicates 445 of the required 542 parking spaces will be provided; an 18 percent reduction in what is required. Drawing No. S-1 states only 422 parking spaces are to be provided; a 22 percent reduction. Providing an insufficient number of parking spaces for a commercial site located on a State highway can result in safety and traffic flow issues. The number of parking spaces must be clarified. If the applicant intends to provide a reduced number of parking spaces, a variance will be required. We request the opportunity to review the variance, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

**TOWN SQUARE OFFICES (R-787D)**

13 Thirty parallel parking spaces are proposed on either side of the access road and immediately northeast of its future extension to Lot 2. We consider the location of these spaces beyond the parking lot to be a further indication that the proposed office building is too large. It is unclear how high the adjacent retaining wall is but it may affect drivers' ability to maneuver into five of the parking spaces on the northwest side of the road. A parking stall width variance is required for these spaces as they are not nine feet wide as required in Section 376-71.B.

14 Areas dedicated 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 the landscaping, located in the islands, from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles, especially since only a minimum number of parking spaces are being provided, will eliminate the loss of parking spaces meant for employees.

15 Pervious pavers should be used where possible to reduce the development coverage variance.

16 No dumpster enclosure is delineated on the site plan. One must be provided, the location of which must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements, total parking spaces, and parking maneuverability for the site.

17 The July 26, 2019 project narrative states that a new Park and Ride lot will be located immediately south of the site. This should be corrected to state it will be located southwest of the site. It also references the Spring Valley Jitney Service which no longer exists. This reference must be eliminated.

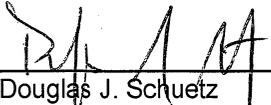
18 General note #8 must be corrected to indicate that the water supplier is SUEZ.

19 Drawing No. 1, the Layout Plan, does not contain a north arrow. This must be provided.

20 The subdivision and site plan applications required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

21 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.

22 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Public Transportation  
Rockland County Sewer District #1  
Monsey Fire District  
Rockland County Department of Health  
Rockland County Office of Fire and Emergency Services  
New York State Department of Transportation

**TOWN SQUARE OFFICES (R-787D)**

New York State Department of State

Brooker Engineering, PLLC  
Village of Spring Valley  
Ira M. Emanuel, P.C.

Town Square Offices

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.*

