

DEPARTMENT OF PLANNING

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April 11, 2018

Sloatsburg Village Board
 Village Hall
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Tax Data:	38.44-1-22	38.44-1-10	38.44-1-17
	38.44-1-16	38.44-1-15.2	38.44-1-15.1
	38.44-1-14	38.44-1-13	38.44-1-12
	38.44-1-21	38.44-1-8.2	38.44-1-8.1
	38.44-1-9	38.44-1-18	38.44-1-19
	38.44-1-20	38.44-1-11	38.52-1-9
	38.52-1-2	38.52-1-1	38.52-1-5
	38.52-1-3	38.52-1-4	38.52-1-6
	38.52-1-7	38.52-1-8	

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

Map Date: 2/23/2018

Date Review Received: 3/16/2018

Item: *TUXEDO HUDSON COMPANY #3 (SL-223)*

Zoning Code Amendment to create a new Village Center Zoning District (VC-3) that will be focused toward Transit Oriented Development, and will allow country inn and garden uses. A zone change from VC-1 to VC-3 is sought for 7.53 acres.

East side of Route 17, south side of Municipal Plaza, and west and north sides of Mill Street.

Reason for Referral:

NYS Route 17, Ramapo River, NYS Thruway, Eleanor Burlingham Memorial Park, Nakoma Brook

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***

We are generally supportive of transit oriented development that combines a mix of land uses with pedestrian-friendly facilities and close linkages to public transportation. When appropriately planned, these developments

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can revitalize downtown areas and create new destinations for the larger community. The new Village Center or "Country Inn and Gardens" zone attempts to achieve these goals. We offer the following recommendations on the zoning code amendment. We will consider the zone change petition once the new VC-3 zoning district has been formally adopted by the Village Board.

- 1 Several proposed uses are not defined in Section 54.6. Definitions must be provided for hotel, inn, catering facilities, meeting halls, theaters and private clubs.
- 2 The Village zoning districts are enumerated in Section 54-7. The VC-3 zone must be included in the mixed use category, and follow VC-2 in Article V. The nonresidence use and overlay district sections will have to be renumbered.
- 3 Bed and breakfasts and art studios are both listed twice in the Permitted Uses section. This must be corrected.
- 4 The community services and facilities use includes libraries, senior citizen centers and government offices. These uses are currently located beyond the proposed VC-3 zoning district so it is unlikely that they will be situated within the new zone. While there is no public school nearby, this is also a use not likely to be located in the VC-3 zone. We recommend that these uses be eliminated from #15.
- 5 A section number must be referenced for live entertainment under Permitted Accessory Uses.
- 6 Bicycle racks shall be added as a permitted accessory use given that bike sales and rentals are proposed as permitted uses.
- 7 The word "date" must be added in Section D.6.
- 8 Section E.1 specifies that multiple retail buildings shall be permitted on a site. While this might be feasible on a large parcel, we are concerned about the many small lots in the proposed zoning district. A minimum lot area standard must be established to permit multiple retail buildings on a site. The Village shall consider allowing multiple buildings on appropriately sized parcels as a special permit use.
- 9 Some of the proposed bulk standards are more lenient than the current VC-1 zoning regulations. This is not unreasonable given the goals and objectives of the Country Inn and Garden zone. However, the development standards for floor area ratio, building height and front yard on Mill Street are different in the zoning code amendment than what is listed in the bulk table on Sheet 5 of 5. All application materials must be consistent. We recommend that the FAR be limited to .65, especially for those lots within the floodplain.
- 10 Sites within the proposed VC-3 zone shall be subject to the lot area deductions required for environmental constraints, as specified in Section 54-45.
- 11 Section E.3. must specify that the Floodplain Administrator for the Village shall certify that any proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 12 The second sentence in Section E.5. is incomplete. What will this regulation ensure?
- 13 The proposed parking standards are quite liberal in comparison to the VC-1 regulations. While we recognize that the applicant anticipates that many visitors will travel by train, we would be remiss if we did not point out that residents of other towns and villages in Rockland County will likely drive to this destination. We recommend that additional off-site parking agreements be in place if the proposed parking proves inadequate.

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14 Language must be added to Section 54-70 of the Zoning Code to address the proposed uses not listed in the Table of Parking Requirements. The Planning Board must provide standards for land uses with higher parking demands such as catering facilities, medical offices, meeting halls, farmers market/grocery stores, theaters and lecture halls.

15 Section E.5. shall include language to ensure that there is adequate parking provided. as no vehicles can park along the State highway. It must also include a requirement that low evergreen landscaping or a berm be provided in front of any parking spaces facing Route 17 to shield headlights.

16 The Country Inn Center parking standard of .5 spaces per guest bedroom seems very low when compared to other overnight facilities which require one space per bedroom. An explanation must be provided for this 50 percent reduction.

17 The proposed parking standards do not adequately address spaces needed for catering halls, or venues for weddings and other large gatherings. It is unlikely that attendees will travel by train to such events. Weekend train service is limited and the last train is at 10 PM. A parking standard or parking plan must be established for these facilities.

18 Outdoor dining is not considered in the proposed parking standards. The parking requirements for this use must be addressed. The number of dining seats available will be greater than the restaurant square footage calculation used to establish the parking standard for this use. These standards must be included in the special permit requirements listed in Section 54-37.Q.

19 The first sentence of Section E.6. must be revised, as it is confusing as written.

20 Given the focus on transit oriented development, a network of sidewalks and pedestrian linkages must be required that connect the train station to the VC-3 zone. There are currently no sidewalks along Mill Street. Pedestrian connections must be provided to the on-site and off-site parking lots, and be made part of the new zoning regulations.

21 The third sentence in Section E.11.a. is awkwardly worded particularly the section in parenthesis. It must be reworded.

22 In Section E.11.a., the sound from music and live entertainment is not to exceed 55 dB(A). This measurement is equivalent to average home sounds and conversational speech so it seems to be an unreasonable limit for music and live entertainment. A noisy restaurant can reach 80 to 89 dB(A). The proposed maximum noise level must be reevaluated.

23 Section E.11.b. establishes time restrictions for music and live entertainment. Since this activity is permitted outdoors, the hours must be more restrictive.

24 Will the outdoor dining be located on the proposed public open space areas? If so, these areas cannot be considered public open space. This must be clarified.

25 The section reference to the buffer strip requirement must be corrected to Section 54-40.H.(4).

26 The amendment to height limitations (Section 54-40.F.(1)) shall be listed before the buffer strip amendment, as this is the order in the Zoning Ordinance.

27 Signage regulations must be established for the VC-3 zoning district. Minimum setbacks must be out of the right-of-way so sight distance will not be impeded.

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- 28 A review of the zoning code amendments must be completed by the New York State Department of Transportation since ingress and egress is proposed at two access points on NYS Route 17.
- 29 A review of the zoning code amendments must be completed by the Rockland County Drainage Agency.
- 30 A review of the zoning code amendments must be completed by the New York State Department of Environmental Conservation given that the Ramapo River is a Wild and Scenic Recreational River.
- 31 A review of the zoning code amendments must be completed by the Rockland County Division of Environmental Resources.
- 32 FEMA, the New York State Department of Environmental Conservation and the Rockland County Drainage Agency shall be listed in Section B of the Full EAF.
- 33 Section C.3.c.i. of the Full EAF shall specify that the proposed zoning is VC-3.
- 34 Section D.1.d.iv. of the Full EAF shall indicate that the maximum proposed lot size is 2.69 acres.
- 35 The Full EAF must be regenerated using the EAF mapper application since a larger area is proposed to be included in the new zoning district. We note that Question E.2. j is now answered incorrectly.
- 36 The Zoning Code Amendment and the Full EAF contain typographical errors which must be corrected.
- 37 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.
- 38 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: Mayor Carl Wright, Sloatsburg
New York State Department of Transportation
Rockland County Drainage Agency
New York State Thruway Authority
Rockland County Division of Environmental Resources
Rockland County Department of Health
New York State Department of Environmental Conservation
Federal Emergency Management Agency
Michael D. Miele, P.E.

Michael J. Bruno, Tuxedo Hudson #3 LLC

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**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.

