

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 20, 2020

Sloatsburg Zoning Board of Appeals
Village Hall
96 Orange Turnpike
Sloatsburg, NY 10974

Tax Data: 38.44-1-1

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

Map Date: 1/30/2020

Date Review Received: 2/10/2020

Item: *SEVEN LAKES PLAZA LLC (SL-225B)*

Variations to permit the conversion of an existing personal service business to a retail convenience store located on 0.74 acres in the VC-1 zoning district. Two of the three existing apartments on the second floor will remain. The variations required include front yard, side yard, reduced size of loading berth, and apartments under 900 SF. Waivers are required for parking in the front yard, loading in the front yard, and aisle width.

West side of Orange Turnpike, approximately 27 feet south of Municipal Plaza

Reason for Referral:

Orange Turnpike (NYS Route 17)

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 As per the requirements for a special permit, Section 54-37.M.2. indicates that the minimum gross floor area of a dwelling in a mixed use building is 850 SF. However, Section 54-19.C.2. states the minimum habitable area of a dwelling in a mixed use development in the VC-1 district is 900 SF. It must be clarified as to why these numbers differ, and which applies. Whether the requirement is 850 SF or 900 SF, the two proposed apartments are only approximately 50% of the required floor area for a dwelling. The variance must not be granted, or only one apartment be proposed that complies with the special permit requirement.
- 2 The applicant must comply with the comments made by the New York State Department of Transportation in their letter of March 6, 2020. All of the conditions must be met before the variations can be approved.
- 3 Measurements must be taken to the Designated Street Line, not the property line. Greater variations may be required due to this.

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4 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 is 87% deficient in meeting the bulk requirement while the side yard is approximately 90% deficient. The ability of the existing infrastructure to accommodate development on non-conforming 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 Village must consider the cumulative and regional impacts of permitting such development. A less intense use must be considered.

5 The site plan indicates 0.5 spaces are required for the storage area. However, the table of parking requirements provided in Section 54-70. does not indicate that storage areas require any parking spaces. It must be clarified if this storage area does or does not require parking to determine if additional variances are needed.

6 The handicap aisle can not be considered in the count towards the parking requirements. It must also be clarified if the loading space counts towards the parking requirements. Section 54-71.B. states that the parking area may be used for loading and unloading, provided that the space is not used for more than three hours during business hours and its use does not coincide with rush hour business parking. Therefore, only nine to ten spaces are provided when, if parking is needed for the storage area, eleven are required. The parking area must be reconfigured so that the parking conflicts are resolved and the required number of parking spaces met. Otherwise, a parking variance may be required.

The following comments address our additional concerns about the proposal:

7 The Village Code shall indicate which Board grants waivers. A waiver/variance may also be required from Section 54-72.A. for the depth of the backing area being less than 25 feet in all instances.

8 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

9 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

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

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

12 The previous submission for this application indicated six to eight signs were proposed where only two are permitted, as per Section 54-65.B. In addition, these signs would require multiple variances, including sign size. It must be clarified if these signs are still proposed. If so, they will require variances.

13 The dumpster enclosure must be moved out of the State highway ROW. The enclosure must be accessible to sanitation workers and must not impede traffic on the site.

14 The site must be centered on the vicinity map. It must be possible to see the entire neighborhood around the site, otherwise the purpose of the vicinity map is defeated.

15 We request the opportunity to review any additional variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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16 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.

17 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 State
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Sloatsburg Fire District
Civil Tec Engineering & Surveying PC

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.