

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2016

Suffern Village Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: --

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

Map Date:

Date Review Received: 9/8/2016

Item: *NEALMEET CORP (SU-348)*

Petition to amend Section 266-33 of the Zoning Code of the Village of Suffern to allow mixed uses (residential and non-residential) as a special permit use in the CB and GB zoning districts. The applicant is a property owner seeking to convert the second floor of an existing commercial building from office space to residential apartments. The .0762-acre site is located in the CB zoning district. Throughout the CB and GB zoning districts

Reason for Referral:

Lafayette Avenue (NYS Route 59), Orange Avenue (NYS Route 202), NYS Thruway, Mahwah River, Palisades Interstate Park Commission, Village of Hillburn, Bergen County, NJ

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***

It is our understanding that there are currently commercial buildings on Lafayette Ave with second floor residential units. While we are not opposed to mixed-use development in the downtown area, we believe the Village must undertake a comprehensive analysis of the permitted land uses in the CB and GB zoning districts to determine if residential uses are an appropriate additional use. If the Village is in favor of permitting residential units above ground floor retail space, they must amend their zoning code to allow this mixed use in the CB and GB zoning districts.

The petition before us has been submitted by a private property owner. It addresses only one section of the code, the individual standards and requirements for special permit uses. While this petition is a starting point for a zoning code amendment, it is not a comprehensive document. We offer the following recommendations on the proposed amendment.

NEALMEET CORP (SU-348)

- 1 The petitioner's property is located within the CB zoning district. The petition also references the GB zoning district. Are mixed residential/non-residential uses proposed in both zones? This must be clarified.
- 2 The proposed amendment will affect several sections of the Zoning Code. The mixed use must be defined in Section 266-5. If it is to be a special permit use, individual standards and requirements must be listed in Section 266-33. Any special parking requirements for the mixed use in the CB District must be included in Section 266-38. The General Use Requirements in Section 266-22, Parts II and III, must include the proposed use. Bulk standards must be established and included in the Table of Dimensional Requirements (Section 266-23).
- 3 Most properties in the CB and GB zoning district are within our jurisdiction under the NYS General Municipal Law. Special permit and site plan applications for mixed use proposals will therefore be subject to a review by this department.
- 4 Given that many of the lots in the CB and GB zoning districts have frontage on Routes 59 and 202, appropriate parking standards must be established for mixed uses in these zones.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
New York State Thruway Authority
Rockland County Drainage Agency
Palisades Interstate Park Commission

Village of Hillburn and Bergen County, NJ
Richard Ellsworth

Kirit Patel, President

**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.