

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 18, 2017

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.26-1-8.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/23/2017

Date Review Received: 6/9/2017

Item: **AAA PAVING & CONTRACTING, INC. (SU-351)**

Site plan for a gravel, recycled concrete aggregate parking lot to be used as a vehicle storage yard, with a 22' x 8' construction trailer serving as a field office, and a 20' x 8' storage container on 2.15 acres in an M zoning district.

Approximately 1,300 feet northwest of the intersection of Ramapo Road and Chestnut Road. Access to the site is provided via a private easement from Pat Malone Drive.

Reason for Referral:

Ramapo River, NYS Route 59, NYS Thruway, Harriman State Park

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 It is unclear whether the proposed vehicle storage use is permitted as a primary use in the M zoning district. Parking and loading are permitted as accessory uses. Will the trailer serve as the office for the paving and contracting business? Will it be occupied during business hours? The primary use must be clarified.
- 2 A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
- 3 Since the Ramapo River is a Class A stream, a review must be completed by the New York State Department of Environmental Conservation, and all required permits obtained.

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- 4 The Floodplain Administrator for the Village of Suffern shall certify that the proposed installation of the recycled concrete aggregate and the trailers is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 5 A review must be completed by the NYS Thruway Authority, and all required permits obtained.
- 6 A review must be completed by the New York State Department of Transportation and any required permits obtained.
- 7 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 8 Given the proximity of the Ramapo River, a Class A designated stream used for drinking water, the proposed contents of the storage trailer, as well as materials stored in the yard, must be specified. The storage of materials that might contaminate the Ramapo River, if spilled, must not be permitted.
- 9 By State Law, the applicant must register with the local fire inspector using Form 209U for any proposed chemical bulk storage materials. Under SARA - Title 3, the applicant must also register with the Rockland County Office of Fire and Emergency Services.
- 10 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Suffern Fire Inspector, or the Suffern Fire Department to ensure that emergency vehicles can readily access the site. Given the propensity for flooding in this section of the Village, providing a second emergency access shall be considered. It is unclear if the existing unpaved road around the northerly side of the site is intended for that purpose. This must be clarified.
- 11 We are concerned that in the event of flooding, some of the gravel and recycled concrete aggregate material will enter the Ramapo River. Is the infiltration trench designed to capture this material thereby preventing it from reaching the Class A stream? It must be clarified as to how this type of runoff will be mitigated.
- 12 An emergency plan must be in place to remove the vehicles and equipment stored at this site in advance of a predicted storm that might result in flooding. This will prevent toxic materials, such as oil and gasoline, from entering the Ramapo River.
- 13 It is unclear whether the storage container will be installed two-feet above the base flood elevation as is proposed for the office trailer. This must be clarified.
- 14 The deeded access easement from Ramapo Avenue traverses Pat Malone Drive which also provides access to the Suffern Athletic Fields. The athletic facilities are west of Pat Malone Drive with parking located east of this roadway. We are concerned about potential conflicts between construction vehicles traveling to and from the subject site, and users of the athletic fields. Since the pedestrian population will include small children, safety measures must be in place. Appropriate signage and speed bumps must be installed.
- 15 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 16 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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17 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

18 The entire parcel must be shown on the site plan. The boundaries of the parent parcel are currently shown extending beyond the page. In addition, the shape of the parcel illustrated on the vicinity map is not the same as what is shown on the site plan and access easement plan. All application materials must be consistent.

19 The Access Easement Plan, included on Drawing No. C-1, is difficult to read. We recommend that a separate access plan be prepared that clearly demonstrates the easement area from Ramapo Road, as well as the existing access road around the northerly side of the site.

20 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.

21 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 Edward Markunas, Suffern
Federal Emergency Management Agency
New York State Department of Environmental Conservation
New York State Thruway Authority
Rockland County Drainage Agency
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Office of Fire and Emergency Services
MJS Engineering & Land Surveying, PC

Michael Stewart

**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.*

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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.