Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 2, 2017

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 55.37-1-30.12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/3/2017 **Date Review Received:** 8/22/2017

Item: ***ESTHER GITLOW TOWERS PARKING LOT IMPROVEMENTS (SU-287F)***

Site plan for a new parking lot area consisting of 37 additional parking spaces for an existing senior housing development on 4.24 acres in an MR-50 zoning district. The campus is comprised of three parcels, and the parking area will be located on the 1.75-acre eastern parcel.
The northern side of Lafayette Avenue, approximately 400 feet west of Woodland Drive.

Reason for Referral:

Lafayette Avenue (NYS Route 59)

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 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

2 While the addition of 37 parking spaces reduces the degree of non-conformity with the MR-50 parking standards, the on-site parking provided is very deficient. Just over 30 percent of the required parking spaces are provided. This department was not in favor of granting a parking variance for this site due to its location on the state highway. Route 59 is a heavily traveled roadway. Inadequate on-site parking could negatively impact the safe and efficient flow of traffic along this major east-west transportation corridor. The Village must closely monitor the adequacy of the on-site parking. If it proves to be insufficient, the applicant must provide additional on-site parking or enter into an off-site parking arrangement with a nearby property owner.

3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

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4 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.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.

7 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.

8 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
New York State Department of Transportation
Rockland County Department of Health

Brooker Engineering, PLLC

Rockland County Jewish Home

**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.