

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 27, 2018

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.43-2-52

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

Map Date: 10/29/2018

Date Review Received: 11/16/2018

Item: *WITKOWSKA (SU-353A)*

Revised site plan for a mixed-use building on .181 acres in a PO-15 zoning district. An existing retaining wall will be removed; the area will be regraded and paved to facilitate vehicle movement on the site. Evergreen shrubs in the southeast corner of the property will be removed and replaced with a five-foot stockade fence.

East side of Orange Ave (US Route 202), approximately 75 feet south of East Maple Avenue

Reason for Referral:

US Route 202

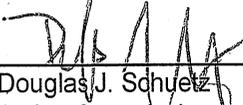
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 In August of 2017, we reviewed the variances required for this use. The constrained parking area and the lack of a turnaround were cause for concern. The decision to eliminate the retaining wall on the north side of the driveway is indicative of the tight area of vehicular turning maneuvers. We continue to recommend that a turnaround area be provided on the east side of the property.
- 2 In our initial review, we requested that information be provided on the peak parking demand for the residential use and the doctor's office. Our concern was that the on-site parking might prove inadequate necessitating off-site parking arrangements. The Village must continue to monitor the site to ensure that there is sufficient parking for both uses at all times.
- 3 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

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- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 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.
- 7 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
Jay A. Greenwell, PLS, LLC

Renata Witkowska

**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.