



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 23, 2019

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.27-1-5

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

Map Date: 2/15/2019

Date Review Received: 7/10/2019

Item: *EIGHT WAYNE AVENUE OFFICES (SU-258B)*

Site plan application to construct 8 offices and 1 utility room on the first floor of an existing building located on 0.18 acres in the GB zoning district. A parking waiver is also requested. Parking will be sought by purchasing spaces in the municipal lot. Three apartments are located on the second floor. North side of Wayne Avenue, opposite Hallett Place, approximately 165 feet east of Orange Avenue, south side of the NYS Thruway

Reason for Referral:

Wayne Avenue & Orange Avenue (US Route 202), Lafayette Avenue & Orange Avenue (NYS Route 59), NYS Thruway (I-87/287), 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 We are concerned with the need of a waiver for parking given the fact that the site is located on a U.S. highway. Insufficient parking can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the U.S. right-of-way. The Town must monitor the site's parking usage to ensure that vehicles are not parking within any road rights-of-ways. An analysis should be performed to confirm the municipal lots can handle the additional cars that tenants of 8 new offices will provide. The purchase of the parking spaces must be in place simultaneously with the approval and before any Certificate of Occupancy is obtained.
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of July 15, 2019.

EIGHT WAYNE AVENUE OFFICES (SU-258B)

- 4 A review must be completed by the New York State Thruway Authority and any required permits obtained.
- 5 A layout of the offices must be provided. All proposed building entrances and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. The square footage must also be provided.
- 6 Wayne Avenue is a very busy road with no cross-walk to directly access the municipal parking lot. There will be a lot of traffic and turning movement with the nearby auto repair business. Pedestrian safety is imperative.
- 7 We request the opportunity to review any 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).
- 8 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.
- 9 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
Rockland County Department of Highways
New York State Department of Transportation
New York State Thruway Authority
Palisades Interstate Park Commission

Anthony R. Celentano P.E.

**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.