

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 19, 2019

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.35-1-12

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/11/2019

Date Review Received: 2/15/2019

Item: *JAVA LOVE (SU-360)*

Site plan to allow the conversion of a former bank building to retail use as a coffee shop and café. The .4145-acre site is in a CB zoning district.

Northwest corner of Lafayette Avenue and Chestnut Street.

Reason for Referral:

NYS Routes 59 and 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 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 2 A review must be completed by the Rockland County Health Department, and all required permits obtained.
- 3 The renovated commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 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 there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 5 The one-way access and egress must be clearly delineated in the field with signs and directional arrows.
- 6 The proposed loading area must be clearly delineated in the field, and properly signed, so that customers use the correct driveway to exit the site.

JAVA LOVE (SU-360)

7 The photographic rendering of the proposed coffee shop and café includes outdoor seating. This seating is not shown on the site plan. The project narrative specifies that the café will comprise one-quarter of the 2,242 SF of space within the building, and will include 24 seats. It does not mention outdoor seating. It is unclear whether cafes are permitted to have outdoor seating for patrons. If an outdoor seating area is allowed, it must be illustrated on the map and discussed in the project narrative. The parking analysis must also include a breakdown of indoor and outdoor seats. It appears that more than eight parking spaces will be required. This must be clarified.

8 The parking analysis specifies 1,800 SF of retail space. As noted above, the project narrative references 2,242 SF of space within the existing building. The total floor area must be clarified.

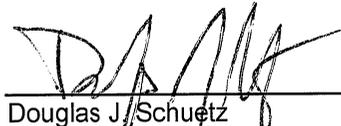
9 An existing clock, planter and flag pole are to be removed. No landscaping or streetscape enhancements are shown on the site plan. If any are proposed, they must be depicted on the map.

10 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect any proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.

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

12 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.

13 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
New York State Department of State
Rockland County Office of Fire and Emergency Services
Suffern Fire Department
Brooker Engineering, PLLC

Java Love Enterprises

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

