



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 21, 2019

Suffern Zoning Board of Appeals
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: 8/5/2019

Item: *SHULEM SCHIK/EIGHT WAYNE AVENUE (SU-258C)*

Variance to permit no parking where seven spaces are required for an existing mixed-use building located on 0.18 acres in the GB zoning district. Tenants will be required to purchase parking permits from the Village for the nearby lot. Eight offices are located on the first floor, with three non-conforming apartments 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 lack of parking spaces available on site, or any location nearby in which loading/unloading can occur, particularly since the site is situated on a very busy and congested State highway. The closest driveways are owned and used by the auto collision repair shops, which are continually moving vehicles into and out of these parking areas, so safety and flow of traffic issues already exist. In addition, due to the high activity level, these lots cannot be considered for temporary parking, if the owners were amenable. Tenants moving into or out of the apartments or office space will find this to be an issue, and an inconvenience. The closest municipal parking lot is Lot A, at the crossroads of Wayne Avenue, Orange Avenue, and Lafayette Avenue; also located at a very busy intersection, making safety a concern. Other municipal lots are further from the site, and will make even the unloading of groceries a significant chore. Under no circumstances can any vehicle park within the State right-of-way or on the sidewalk for even temporary parking, as this will impede the safe and efficient flow of traffic and create unsafe conditions.

The Village must monitor the parking usage in the vicinity of the site to ensure that vehicles are not parking within

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any road right-of-ways or on the sidewalk.

2 Temporary parking arrangements should be negotiated with parcels nearest the site so that loading/unloading can be done without impeding traffic flow or safety. These locations must also be designated for deliveries by the USPS, UPS, FedEx, etc., as well.

3 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.

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

5 An updated review must be completed by the County of Rockland Department of Highways, any concerns addressed, and required permits obtained. The applicant shall also comply with the conditions of their letter of July 15, 2019.

6 A review must be completed by the New York State Thruway Authority and any required permits obtained.

7 The Referral Form, Building Inspector notice, and other documents for this application state there will be eight offices on the first floor and the continuation of three non-conforming apartments on the second floor of the building. However, the Short Environmental Assessment Form indicates the second floor will be converted to offices. This should be clarified and corrected. All application materials must remain consistent.

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 Health
Rockland County Department of Highways
New York State Thruway Authority
New York State Department of Transportation
Palisades Interstate Park Commission

**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.

