

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 23, 2016

Airmont Planning Board
251 Cherry Lane
P.O. Box 578
Tallman, NY 10982

Tax Data: 56.09-2-15

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

Map Date: 2/17/2016

Date Review Received: 2/19/2016

Item: 3 COLLEGE ROAD, LLC (A-138B)

Site plan for a two-story, 5,300 SF office building on .85 acres in an NS zoning district. An existing two-story, 5,808 SF building will remain on the site. The on-site parking will be reconfigured. The applicant is also seeking a waiver from the Planning Board for a 40 SF directory sign located within the designated street line.

West side of College Road, 150 feet north of Route 59.

Reason for Referral:

College Road (CR 81), NYS Thruway, NYS Route 59, Town of Ramapo

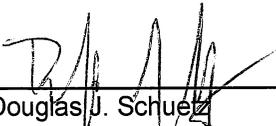
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 This department is not in favor of new construction projects that do not conform to the bulk requirements of the zone in which they are proposed. We are particularly opposed to granting parking variances for sites located on state and county roads. This parcel fronts on a county road and is within 150 feet of state road. Inadequate on-site parking will affect the safe and efficient flow of traffic along the county road. The applicant is seeking a 18 percent reduction in the required on-site parking. Several of the proposed 50 parking spaces are awkwardly configured. The proposed building must be scaled back so that the off-street parking standards are achieved.
- 3 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

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- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line of the site, immediately south of the NYS Thruway. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Airmont.
- 6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 7 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.
- 8 The proposed office building and the existing structure must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 A review of the fire truck turning movement provided on Drawing No. 2 must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. In addition, the applicant must address the concerns raised in the Tallman Fire District's letter of February 6, 2016.
- 10 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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.
- 13 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line or onto the county road.



Douglas J. Schuez
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Highways
New York State Thruway Authority
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State,

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Division of Code Enforcement & Administration
Tallman Fire District
Atzl, Nasher & Zigler P.C.
Town of Ramapo

Imre Kaufman

**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.

