



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

February 24, 2016

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 56.09-2-46    56.09-2-41    56.09-2-40

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

**Map Date:** 1/14/2016

**Date Review Received:** 1/21/2016

**Item:** *CULINARY DEPOT (A-181B)*

Site plan for a 66,000 SF office building on 5.0645 acres in a PO zoning district. The first and second floors will contain a total of 44,000 SF of office space; the basement level will include 32 parking spaces, and storage and mechanicals.

South side of NYS Route 59, approximately 790 feet west of College Road/New County Road

**Reason for Referral:**

NYS Route 59, Town of Ramapo, New York State Thruway, Federal Wetlands

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 An updated review of the January 14, 2016 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. NYSDOT must also be given the opportunity to review the June 5, 2015 Traffic Impact Study and the August 5, 2015 updated analyses prepared by Frederick P. Clark Associates, and any concerns or issues must be addressed.
- 2 An updated review of the January 14, 2016 site plan must be completed by the County of Rockland Department of Health and all required permits obtained. In addition to any new comments, the applicant must comply with the conditions of the Health Department's letter of December 4, 2014.
- 3 An updated review of the January 14, 2016 site plan must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained. In addition to any new comments, the applicant must comply with the conditions of the Sewer District No. 1's letter of December 17, 2014.

**CULINARY DEPOT (A-181B)**

- 4 The comments in the December 19, 2014 letter from the Rockland County Drainage Agency must be met.
- 5 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 6 The proposed office building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review of the November 15, 2015 Fire Truck Turn Analysis must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 8 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 12 Areas dedicated for snow piles 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 landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. This is even more important to provide since the required number of parking spaces is not being provided without the reserve areas, and minimally even with them, and so that all parking spaces provided are available for employee/patron use.
- 13 If appropriate, low evergreen landscaping must be provided in front of the parking spaces facing the state highway to shield headlights from shining into oncoming vehicles traveling on the road. In addition, supplemental landscaping should be added along the rear of the property, to help block the proposed parking and building from the residential areas, both visually and audibly.
- 14 It is our understanding that the height of the proposed building has been reduced to 30 feet so a variance is no longer required. The bulk table still contains a footnote about a variance for maximum building height. This footnote shall be removed.
- 15 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

**CULINARY DEPOT (A-181B)**

15.1 Section 210-29 of the Village's Zoning Law addresses special bulk requirements. We note that the lot area deductions listed in Section 210-29.A. only apply to residential uses. The subject site includes 2.2939 acres of Federal wetlands. This represent 45 percent of the total land area. If this were a residential property, the net lot area would be 3.9176 acres. We believe that the special bulk requirements should apply to all uses, and in all zoning districts. Environmental features such as land under water, floodplains, wetlands and steep slopes, as well as utility easements, restrict the usefulness of the land area subject to these constraints. The special bulk requirements protect and preserve on-site environmental features and should be applied Village-wide. We recommend that the Village Board, in conjunction with the Building Department, amend the Zoning Law so that all properties within the Village are subject to Section 210-29.A.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Mayor Philip Gigante, Airmont
- New York State Department of Transportation
- New York State Thruway Authority
- United States Army Corps of Engineers
- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Tallman Fire District
- New York State Department of State,  
Division of Code Enforcement & Administration
- Leonard Jackson Associates
- Town of Ramapo

Max Pesach

*\*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.*

