

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 3, 2016

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

Tax Data: 56.10-1-16 56.10-1-15 56.10-1-10 56.10-1-9

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

Map Date: 1/25/2016

Date Review Received: 1/29/2016

Item: *INTERSTATE TOYOTA (A-102B)*

Site plan for the renovation and expansion of an existing automobile dealership on 4.9742 acres. The applicant has acquired two adjacent parcels to enlarge the site. The improvements will include an enclosed service area, interior display and office space, updated signage and additional parking. South side of Route 59, east side of New County Road

Reason for Referral:

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

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:

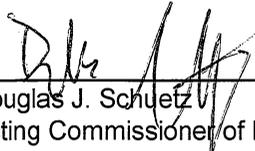
****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3 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.
- 4 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

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- 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 southern boundary of the New York State Thruway, approximately 300 feet north of the site. 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 The designated street line (DSL) must be shown on the site plan. If the lawn and landscaped areas are within the DSL, and if the New York State Department of Transportation or the Rockland County Department of Highways undertake roadway improvements in the future involving road widening, this landscaped area will no longer exist and display vehicles will be immediately adjacent to the state or county roads. In the event that such future roadway improvements do occur, the northern and western row of vehicles shall be eliminated and replaced with additional landscaping.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 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.
- 9 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.
- 10 The proposed and existing buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 11 A review 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.
- 12 Additional information must be provided about the access to New County Road opposite Woodland Drive. The project narrative states that the existing access easements are wholly for the benefit of the auto body shop so all access rights of all parcels remain undisturbed. Notes on the map state the easements are to be abandoned/disclaimed. The final use and disposition of this connection to New County Road must be clarified.
- 12 It appears that fields of illumination from on-site lighting sources extend beyond the property lines onto the state and county roads. This is unacceptable and must be corrected.
- 14 Snow storage areas are proposed within the landscaped area in two locations along Route 59. Landscaped areas are not ideal places for snow piles because the plants are subject to potential damage due to the weight of the snow and/or salt intrusion during snow removal. Alternate locations must be designated for these snow storage areas.
- 15 The site plan indicates that four separate tax parcels comprise this proposal. The GML referral form and the application form do not include Lot 56.10-1-15. All application materials must be consistent. The four tax parcels must be listed on the GML referral form and the application form.
- 16 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.

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Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Tallman Fire District
New York State Department of State,
Division of Code Enforcement & Administration
New York State Thruway Authority
Sparaco & Youngblood, PLLC
Town of Ramapo

Interstate Toyota

**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.

