



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 31, 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: 3/21/2016

Date Review Received: 5/2/2016

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

Planting and Lighting Plan for a site plan application to renovate and expand 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:

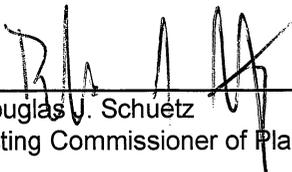
NYS Route 59, New County Road (CR 81), Town of Ramapo, NYS Thruway

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***

While we recognize that snow storage areas are no longer proposed in the landscaped areas along NYS Route 59, in compliance with Comment # 14 of our March 3, 2016 General Municipal Law Review, our concerns about fields of illumination have not been addressed. Therefore, the following comment is still valid.

1 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
New York State Department of Transportation

INTERSTATE TOYOTA (A-102C)

Rockland County Department of Highways
Rockland County Department of Health
New York State Department of State,
 Division of Code Enforcement & Administration
Tallman Fire District
Rockland County Office of Fire and Emergency Services
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.