



# Rockland County

Ed Day, Rockland County Executive

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**DEPARTMENT OF PLANNING**

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Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

March 11, 2016

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

**Tax Data:** 55.12-1-3.1

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

**Map Date:** 2/11/2016

**Date Review Received:** 2/12/2016

**Item:** *WAGON WHEEL WEST/TACO BELL (A-9J)*

Site plan to convert an existing bank building to a Taco Bell fast food restaurant with a drive-thru area. The 1.9913-acre site is in a VC zoning district. A second building containing a Dunkin Donuts is also located on the parcel.

North side of Route 59, 250 feet west of Highview Avenue

**Reason for Referral:**

NYS Route 59, 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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 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.
- 3 The applicant shall comply with the Rockland County Health Department's letter of February 22, 2016.
- 4 The applicant shall comply with the conditions of the Rockland County Sewer District No. 1's letter of February 17, 2016.
- 5 The refuse/recycling containment structure is immediately adjacent to the drive-thru lane. When sanitation workers are removing refuse, vehicles will be unable to enter the drive-thru lane. The refuse/recycling containment structure must be relocated.

**WAGON WHEEL WEST/TACO BELL (A-9J)**

6 The on-site parking requirement for the proposed use is 42 spaces yet 53 parking spaces are shown on the site plan. This includes four new parallel parking spaces along the western side of the parcel. It is unclear why an additional eleven spaces are needed. This represents an increase of more than 26 percent over the minimum parking standard. The new parallel parking spaces are just west of the interior driveway and the proposed drive-thru lane. We do not believe this is the best location for additional parking spaces. The potential for traffic conflicts between vehicles traversing the site and those exiting the drive-thru must not be compounded by additional vehicles entering and exiting parking spaces in a constrained area. We recommend that these four parking spaces be eliminated.

7 All proposed signage shall conform to the municipality's sign standards.

8 If appropriate, additional landscaping shall be provided between the southern row of parking spaces and the Route 59 frontage to prevent headlights from shining into vehicles traveling along the state highway.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont  
New York State Department of Transportation  
United States Army Corps of Engineers  
Rockland County Department of Health  
Rockland County Sewer District #1  
Sparaco & Youngblood, PLLC

Erica Wishnow

*\*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.*