

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 22, 2017

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

Tax Data: 55.11-1-28

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

Map Date: 5/18/2017

Date Review Received: 5/23/2017

Item: *BAGEL STORE-AIRMONT ROAD (A-56L)*

Amended site plan for an existing commercial use on 1.997 acres in a VC zoning district. The parking layout for the Bagel Boys parcel will be reconfigured to angled parking and a one-way circulation pattern. A drive-thru is now proposed for the 7,735 sq. ft. Retail "B" building currently under construction on Lot 29. An easement is required from Lot 28 for the drive-thru. As a result, the parking layout on Lot 28 must be redesigned.

East side of North Airmont Road, approximately 290 feet north of Route 59

Reason for Referral:

NYS Route 59, North Airmont Road (CR 89)

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 any concerns addressed and all required permits obtained.
- 2 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- 3 The comments in the May 31, 2017 letter from the Rockland County Sewer District #1 must be addressed.
- 4 The commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

BAGEL STORE-AIRMONT ROAD (A-56L)

5 While the reconfigured parking layout does not result in a loss of parking spaces, the driveway is considerably narrower. The driveway width appears to be less than 20-feet wide on the south and east sides of the site. This raises concerns about pedestrian safety, and traffic conflicts between vehicles navigating around the site and those reversing into the driveway. The Village must be satisfied that this is a feasible and safe layout.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Airmont Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

8 A new landscaping plan must be provided for Lots 28 and 29, as many of the plantings will be removed when the drive thru is added and parking layout is altered. The landscaping plan must demonstrate that there will be the same net number of trees and shrubs as was previously provided.

9 A new lighting plan must be provided for Lot 28. The lighting plan shall illustrate the fields of illumination, and demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

10 Areas designated for snow removal 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 the landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the customers for this purpose. This is particularly important since less than the required number of parking spaces are being provided.

11 This area will be served by the future Lower Hudson Transit Link. It is our understanding that a bus shelter is proposed in this vicinity. The Village of Airmont has been included in the discussions with the Rockland County Department of Public Transportation, New York State Department of Transportation, and ARUP. The Village should make certain that this application incorporates the proposed location of the bus shelter and sidewalk improvements into the site plan, and ensure that the final plan has no conflicts with the planned transit improvements. New York State Department of Transportation should also be consulted.

12 All existing and proposed signage must be illustrated on the site plan, and conform to the Village's sign standards.

13 General Notes, Note #9 must be revised to read Section 239 l & m; Section 239n is used for subdivision proposals.

BAGEL STORE-AIRMONT ROAD (A-56L)

14 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
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 Sewer District #1
- New York State Department of State
- Rockland County Office of Fire and Emergency Services
- Tallman Fire District
- Rockland County Department of Public Transportation

- Civil Tec Engineering & Surveying PC
- ARUP

- Airmont Trust

**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.

