

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 7, 2017

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

Tax Data: 55.12-1-30

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

Map Date: 12/15/2016

Date Review Received: 12/30/2016

Item: *TALLMAN FIRE DISTRICT (A-49B)*

Site plan for the proposed demolition of a residential building and detached garage, and construction of a one-story, 6,133 sq. ft. building to be used by the Tallman Fire District for offices and storage bays for fire apparatus. The site is located in the NS and R-15 zoning districts on .8764 acres. South side of NYS Route 59, approximately 120 feet east of Highview Avenue

Reason for Referral:

NYS Route 59, Cherry Lane (CR 85)

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, any concerns addressed, and all required permits obtained.
- 2 The comments in the January 26, 2017 letter from the Rockland County Sewer District #1 must be met.
- 3 As requested in the January 18, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 4 Since the site is within 500 feet of Cherry Lane, a County highway, a review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.

TALLMAN FIRE DISTRICT (A-49B)

- 5 The parking calculation provided accounts for only 2,800 sq. ft. of the proposed 6,133 sq. ft. new building. Are additional spaces required for the remaining portion of the building? This must be clarified.
- 6 The Landscaping Plan provides a listing of plants proposed for the site. Several plants are proposed that are not listed in the Plant List. These include the "RB" and "SD2". All plants proposed must be listed in the Plant List.
- 7 The Landscape Plan proposes eight 'Green Mountain Boxwoods' in front of the seven parking spaces facing the State highway. To better shield the headlights from vehicles parking in these spaces from shining into the State right-of-way, additional low evergreen plantings must be provided along the entire parking area. In addition, supplemental landscaping must be provided in the southeastern portion of the site where the existing parking is adjacent to the residential use.
- 8 All proposed signage shall be indicated on the site plan, properly set back from the State highway, and shall conform to the municipality's sign standards.
- 9 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 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 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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 proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, designating specific locations on the site for the snow piles, especially since only a less than the required number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the users of the site.
- 13 If and when the future generator is proposed, the Fire District must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources.
- 14 Since it appears that insufficient parking is being proposed for the site, we request the opportunity to review any variances which may be necessary to implement the site plan.



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 Sewer District #1
Rockland County Department of Health

Pacheco Ross Architects
Michael Aguilar, Chairman, Bd of Fire Commissioners

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**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.

