



Rockland County

Ed Day, Rockland County Executive

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

March 27, 2018

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

Tax Data: 55.11-3-19

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

Map Date: 12/15/2017

Date Review Received: 2/23/2018

Item: *NORTHERN METROPOLITAN - 4 SOUTH AIRMONT ROAD (A-142D)*

A site plan application to allow a Medical Adult Day Care Center and Renal Center at an existing medical office building on 2.77 acres in the PO zoning district. No expansion of the existing building is proposed. The project consists of interior and site improvements.

The eastern side of South Airmont Road (CR 89), approximately 340 feet south of NYS Route 59.

Reason for Referral:

NYS Route 59, North and South 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 all required permits obtained from them.
- 2 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 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.
- 5 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, especially since it appears that some of the turning radii are insufficient for truck movement without driving off the internal drive.

NORTHERN METROPOLITAN - 4 SOUTH AIRMONT ROAD (A-142D)

6 Low evergreen landscaping or a berm must be provided at the rear of the property to shield headlights from shining into neighboring residential properties.

7 The narrative provided states that the facility will provide transportation for its clients. However, if it is anticipated that the Rockland County TRIPS service is to be used, the height clearance of the canopy in front of the entrance should be increased to 11 feet to accommodate TRIPS buses.

8 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.

9 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 U. 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
Tallman Fire District
Rockland County Office of Fire and Emergency Services
Rockland County Department of Public Transportation
Maser Consulting, P.A.

**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.