

**DEPARTMENT OF PLANNING**

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

**Arlene R. Miller**  
*Deputy Commissioner*

August 16, 2018

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

**Tax Data:** 55.11-1-31

55.11-1-30

55.11-1-29

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

**Map Date:** 7/16/2018

**Date Review Received:** 7/20/2018

**Item:** *THREE SISTERS - 214 ROUTE 59 (A-56M)*

An application to amend a previously approved shopping center site plan to add a patio with seating for an existing restaurant. The shopping center is comprised of three lots totaling 2.86 acres in the VC zoning district.

The northeastern corner of the intersection of North Airmont Road and NYS Route 59.

**Reason for Referral:**

NYS Route 59, North/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:

***\*Disapprove***

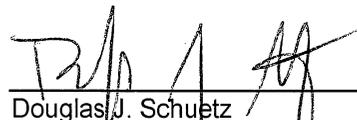
1 The proposed patio extends beyond the designated street line. As per the July 23, 2018 letter from the Rockland County Highway Department, the proposed plan is not acceptable and must be reconfigured so that it does not extend into the County Roadway System.

The following comments address our additional concerns about this proposal.

2 The previously approved site plan provides less than the required number of parking spaces. With the proposed additional seating area, the required number of parking spaces has increased. As a result of the increase in required parking, the applicant has requested a parking waiver of 23%. The applicant must demonstrate to the satisfaction of the Village that the site can accommodate the parking generated by all uses on the property. An adequate supply of parking must be provided to maintain the safe and efficient flow of traffic on the state and county roads.

**THREE SISTERS - 214 ROUTE 59 (A-56M)**

- 3 Images available on Google Street View, captured in October, 2017, indicate that a patio has already been constructed on the site. The village must be satisfied that no seating or other activity is taking place on the patio in all required approvals are obtained and all safety measures, such as bollards and fences, are in place. In the event the applicant is unable to obtain the necessary approvals for the proposal, the patio must be removed.
- 4 The applicant must comply with the additional comment made by the Rockland County Highway Department in their letter of July 23, 2018, and obtain a road work permit from them prior to commencing any construction work.
- 5 A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.
- 6 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 7 An updated landscaping plan shall be submitted for our review.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Department of Highways  
New York State Department of Transportation  
  
Civil Tec

Rockland County Planning Board Members

*\*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.*