



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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June 26, 2019

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

Tax Data: 55.07-2-2

55.07-2-1

55.10-3-10

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

Map Date: 4/4/2019

Date Review Received: 5/30/2019

Item: *130 ROUTE 59 (A-24B)*

A site plan and special permit application to construct a four-building warehouse/office complex with 83 parking spaces on 3.59 acres in the LO zoning district. Variances are required for lot width, front setback, front yard, side setback, total side setback, side yard, and parking in the side yard.

The northern side of NYS Route 59, approximately 200 feet west of Stage Street, and the western side of Stage Street, approximately 640 feet north of NYS Route 59.

Reason for Referral:

NYS Route 59, Town of Ramapo, Village of Montebello

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The lot width is 66% of the required minimum for warehouse use. The front setback is deficient by 91%. The side and total side setbacks are deficient by 90% and 58%, respectively. The ability of the existing infrastructure to accommodate increased activity on non-conforming parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

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2 Building A, which has a front setback of only seven feet, is described as an addition to an existing office building. The site plan notes that the existing structure is a two and one-half frame dwelling. The structure also appears to be, or was originally constructed as, a single-family dwelling. A site visit conducted on June 26, 2019 revealed the existing structure to be extremely dilapidated. It is highly unlikely, in the County's opinion, that the existing structure will be retained in any substantial manner, and will be demolished and replaced in total. Given the more restrictive bulk requirements that come with office and warehousing uses, and the likelihood that the existing non-conforming structure will be removed, the Board must not grant any allowance for any existing non-conformity. Building A must be viewed as a new structure and, as such, its location must be amended to provide an appropriate front yard and setback.

3 The two structures that house warehouses B, C, D, E, F, and G are proposed to have side setbacks of only five feet. Given the nature of the proposed activity and the proposed height of 30 feet, this distance is not adequate to provide the appropriate buffering from neighboring properties. The structures must be reduced in size or relocated to provide adequate side yards and setbacks.

4 The Truck and Fire Truck turning plans, dated May 23, 2019, have not been stamped by an engineer. Turning plans must be provided that have been stamped by an engineer. In addition to the turn-analysis, the Fire Truck turning plan must clearly delineate fire lanes and fire department connections.

5 The Town of Ramapo and the Village of Montebello are two of the reasons this proposal was referred to this department for review. The Ramapo boundary is adjacent to the southern property line along Route 59. The Montebello boundary is adjacent to the side and rear property lines to the north and west. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Montebello must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

7 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of June 14, 2019.

8 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.

9 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

10 Since a portion of the site is located within state wetlands, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.

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11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

12 There shall be no net increase in the peak rate of discharge from the site at all design points.

13 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

14 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

15 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

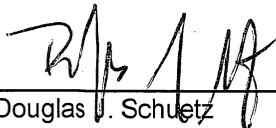
16 Turnaround areas must be provided for the two westernmost parking spaces in the employee parking area and for the easternmost parking space adjacent to building B.

17 The lighting plan shall be amended so that the intensity of the candle lumens is less than 0.1 at the property line.

18 The landscaping plan shall be supplemented to include low evergreen shrubs or a berm on the southern side of the employee parking area to block headlights from parked vehicles from shining into neighboring properties. A retaining wall is proposed in front of the parking area opposite warehouses B through F. However, the top-of-wall elevation of 434 feet is likely not adequate to block the headlights of vehicles parking in these spaces. The wall must be of sufficient height, or supplemented by evergreen landscaping, to shield neighboring properties from vehicle headlights.

19 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.

20 We request the opportunity to review any variances that may be needed to implement the proposed site plan and special permit, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Nathan Babel, Airmont
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of Transportation
New York State Department of Environmental Conservation
Tallman Fire District

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Civil Tec
Town of Ramapo Planning Board
Village of Montebello Planning Board

**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.