

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 22, 2019

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: 4/17/2019

Date Review Received: 4/26/2019

Item: *AIRMONT TRUST - 7-9 NORTH AIRMONT ROAD (A-158A)*

A site plan application to add a school of special instruction (wrestling school) and automotive repair and maintenance facility to an existing building in a mixed-use property with 2.00 acres in the VC zoning district. The previous use of the proposed space was light manufacturing and office. A waiver of 25% of the required parking is requested. No exterior changes to the site plan are proposed.

The eastern side of North Airmont Road, approximately 190 feet south of North De Baun Avenue

Reason for Referral:

North/South Airmont Road (CR 89), NYS Route 59

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 required permits obtained from them.
2. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
3. The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of May 3, 2019.
4. All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
5. The bulk table indicates that 116 parking spaces are required. The parking calculation and narrative indicate that 126 spaces are required. The bulk table must be corrected.
6. Due to the increased level of activity and noise from the proposed automotive repair and maintenance facility, the rear yard must be supplemented with additional evergreen landscaping to provide a buffer for neighboring properties.

AIRMONT TRUST - 7-9 NORTH AIRMONT ROAD (A-158A)

7 The proposed school of special instruction must clarify if any buses will be used to transport students. In addition, an adequate drop off area, walkways, and crosswalks must be provided in order to protect students and prevent traffic conflicts with vehicles on site.

8 The April 17, 2019 letter from Rachel Barese, P.E., President of Civil Tec, states "There will be no exterior storage of excess materials for the auto refurbishment shop." The site plan indicates there is a coverage outdoor storage area at the rear of the structure. It is unclear whether or not the applicant considers the covered storage area to be exterior storage. The restriction on exterior storage of materials, as well as a restriction on repair activity, must also apply to the covered storage area.

9 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, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers, especially since the 25% reduction of required parking spaces will limit the number of available spaces.

10 North Airmont Road is a County highway. Under no circumstances can parking overflow in the County right-of-way.

11 Automotive repair businesses are often characterized by an excessive number of parked vehicles, which results in the overcrowding and congestion of parking areas. The Village must monitor the site to ensure that the parking of vehicles for the repair business is properly managed.

12 This department is concerned about the general over-utilization of the property, especially considering the requested waiver of required parking spaces. The Village must consider whether the site can accommodate the proposed uses, and if the scope and intensity of those uses need to be reduced.



Douglas J. Schuetz
Acting Commissioner of Planning

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

**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.