



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 28, 2019

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

Tax Data: 56.09-2-3

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

Map Date: 2/19/2019

Date Review Received: 2/26/2019

Item: *BERKOVIC SITE PLAN - 330 SPOOK ROCK ROAD (A-183C)*

A site plan application to construct a commercial flex-space building consisting of 2,500 sq. ft. of office space and 8,480 sq. ft. of warehouse/storage on 0.90 acres in the LO zoning district. Previously granted site plan and variance approvals have expired and must be reinstated. Variances are required for lot area, lot width, street frontage, side setback, total side setback, side yard, and development coverage. The eastern side of Spook Rock Road (CR 85), immediately south of I-87/287.

Reason for Referral:

Town of Ramapo, Spook Rock Road (CR 85), NYS Thruway (I-87/287), Rockland County Sewer District No. 1 Pump Station

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 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the northern property line of the parcel. 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 must be given the opportunity to review the proposal and its impact on community

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character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 A review must be completed by the New York State Thruway Authority, any comments or concerns must be addressed, and any required permits obtained from them.
- 3 As per the March 26, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater system for compliance with the County Mosquito Code.
- 4 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of March 8, 2019.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of March 7, 2019.
- 6 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.
- 7 Map note 10 indicates the property receives water service from United Water. The note must be corrected to Suez.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 The lighting plan provided indicates that fields of illumination beyond the property line exceed 0.1 candle lumens. The plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 11 The landscaping plan shall be supplemented by low evergreen shrubs along the western parking area to shield the headlights of parked vehicles from shining into the County road.
- 12 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.
- 13 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.
- 14 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.

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15 The proposed ground sign shall conform to the Village's sign standards.

16 The only proposed snow storage area is located at the rear of the property, and is a substantial distance away from the parking area. It will be difficult to transport snow from the parking spaces to this storage area. A second snow storage area that can service the parking spaces in front of the building must be provided.

17 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).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Thruway Authority
Tallman Fire District

Mercurio-Norton-Tarolli-Marshall Engineering
Town of Ramapo 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.

