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

May 9, 2019

Airmont Zoning Board of Appeals
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: 4/4/2019 **Date Review Received:** 4/8/2019

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

A variance application to allow the construction of 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 requested for lot area, lot width, street frontage, total side setback, 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.

BERKOVIC SITE PLAN - 330 SPOOK ROCK ROAD (A-183D)

The Town of Ramapo 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 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 April 11, 2019.

5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of April 15, 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.

Arlene Miller
for Douglas J. Schuetz
Deputy ~~Acting~~ Commissioner of Planning

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