

**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*

August 17, 2020

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

**Tax Data:** 55.12-1-51

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

**Map Date:** 3/13/2020

**Date Review Received:** 7/28/2020

**Item:** *TALLMAN TRUST -- 241-257 ROUTE 59 (A-175C)*

A site plan application to add a drive-thru for an existing commercial building on 2.50 acres in the NS zoning district, which also has a warehouse at the rear. Site changes include restriping the parking area, adding sidewalks, and landscaping the front of the site. A 25% reduction in required parking spaces was previously granted by waiver by the Planning Board.

The southern side of NYS Route 59, approximately 670 feet east of South DeBaun Avenue.

**Reason for Referral:**

NYS Route 59

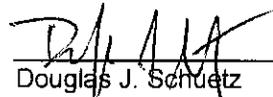
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Airmont Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 3 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 use of parking spaces meant to be used by customers, which is particularly significant since the site has received a waiver to and provides less than the required number of parking spaces.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 5 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 Standards for Urban Erosion and Sediment Control.

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- 6 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.
- 7 The parcel identification number in the title block of the site plan and the orientation of the north arrow within the vicinity map are incorrect, and must be corrected.
- 8 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 9 There are several locations throughout the site plan where the "?" symbol is used, such as at the rear of the commercial building, along the under-canopy lighting at the front, a storm drain by the warehouse loading dock, and in a parking space at the rear. The meaning of these symbols must be clarified.
- 10 The site has a pre-existing non-conformity for maximum development coverage. In order to reduce the degree of non-conformity, the village must consider requiring the use of pervious pavers wherever possible or requiring landscaping within the proposed parking islands.
- 11 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 12 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Nathan Bubel, Airmont  
New York State Department of Transportation  
Rockland County Office of Fire and Emergency Services  
Tallman Fire District  
  
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.*