

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 24, 2020

Chestnut Ridge Planning Board
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 57.17-2-38

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

Map Date: 11/1/2019

Date Review Received: 7/6/2020

Item: ***GOLDLAND INDUSTRIAL PARK (CR-244)***

A site plan application to construct a two-building, 163,908 square foot industrial park with 118 parking spaces, eleven 60' loading berths, and seven 40' loading berths on 9.41 acres in the PI zoning district. A variance to permit a driveway in the rear yard and Planning Board waiver for a residential buffer are required. 15,741 square feet of existing wetlands are to be filled, and mitigated by the creation of 31,489 square feet of new wetlands.

The northwestern corner of Chestnut Ridge Road and NYS Thruway I-87/287

Reason for Referral:

Chestnut Ridge Road (NYS Route 45), NYS Thruway I-87/287

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 applicant has requested that the Planning Board reduce the required buffer from the residential district to the west, citing the change in elevation as a mitigating factor for the visual impact of the proposed structures. However, with a proposed height of 35 feet, there will likely be some visual impact. In order to assess these impacts, the Village must require that a visual analysis be performed, and renderings of the structure under leaf-on and leaf-off conditions provided.
- 2 Due to the proposed wetland mitigation, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 4 A review must be completed by the New York State Thruway Authority and any required permits obtained from them.

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- 5 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of July 3, 2020.
- 6 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of May 4, 2020.
- 7 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of April 24, 2020.
- 8 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge Fire Inspector, or the South Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 9 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.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 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 Only a minimal amount of concrete sidewalks are provided for both buildings. Employee parking is spread throughout the site, which will force workers to walk through the parking areas to access the building. Adequate pedestrian access must be provided, including paved walkways and designated crosswalks for the parking spaces along the southern property line.
- 15 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 16 The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 17 The Outbound Truck Turn Analysis indicates that trucks using the southern driveway to travel south on Route 45 must occupy the incoming lane of traffic as they exit the site. In order to prevent traffic conflicts, the southern accessway must be designated as exit-only.

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- 18 The westernmost loading dock on the southern façade of Building 2 appears to be approximately 50 feet long and less than 12 feet wide. It is not counted or labelled as the other berths are, and the truck turning plans do not include it in their analysis. The applicant must clarify the dimensions of the berth, how this berth will be used, and demonstrate how it will be accessed.
- 19 The Fire Truck Turn Analysis must include routes to all designated fire lanes.
- 20 The snow storage areas along the northern façade of Building 1, and the eastern façade of Building 2 are located along the designated fire lanes. In the event of an emergency, snow accumulated in these locations can impede the access of firefighters and equipment. Alternate locations for snow storage must be provided, particularly since the minimum number of parking spaces are provided.
- 21 The narrative provided indicates that trucks will begin to leave the facility at 4:30 am, with operations continuing until 10:00 pm. Since there are adjacent residential properties, the Village must ensure that any noise associated with activities on the site are reasonable and compliant with the Village's noise ordinance. A sound analysis must be performed and, if necessary, limits on hours of operation must be imposed.
- 22 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 23 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).
- 24 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.
- 25 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
New York State Thruway Authority
Rockland County Office of Fire and Emergency Services
South Spring Valley Fire District
Rockland County Department of Highways
United States Army Corps of Engineers

Leonard Jackson Associates
Ira M. Emanuel, P.C.

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**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.