



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

March 9, 2015

ARLENE R. MILLER  
Deputy Commissioner

Hillburn Planning Board  
31 Mountain Avenue  
Hillburn, NY 10931

**Tax Data:** 47.15-2-12      47.15-2-11

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

**Map Date:** 11/22/2014

**Date Review Received:** 2/9/2015

**Item:** *SALOMONE REDI-MIX OF NY (HI-12G)*

Special permit and site plan application to allow the conversion of an existing industrial building on 5.7589 acres in an LI zoning district to be used for the storage and distribution of redi-mix concrete. A special permit can be granted if the proposed use meets certain performance standards. Some modifications to the site are proposed, including a raised roof in the northeast corner of the building to accommodate the installation of materials storage silos at the rear. Height variances will be required for the building addition and the silos.

Northeast side of Torne Valley Road, 95 feet northeast of Route 59

**Reason for Referral:**

Torne Valley Road (CR 95), NYS Route 59, Ramapo River, Harriman State Park, NYS Thruway

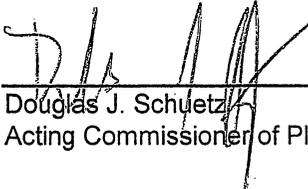
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

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

- 1 A review must be completed by the County of Rockland Department of Highways and all required permits obtained. Special permit uses are by definition subject to a higher standard of review. The Village must be satisfied that the proposed use meets both the general standards for special permits uses outlined in Section 250-52.A, and the performance standards for uses in the LI District which are listed in Section 250-16.D.
- 2 A review must be completed by the County of Rockland Department of Highways particularly for approval of the irregular-shaped driveway access. All required permits must be obtained.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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- 4 The January 13, 2015 Traffic Impact Study, prepared by Harry Baker and Associates, must be reviewed by the Rockland County Highway Department and the New York State Department of Transportation. Any concerns raised by these agencies must be addressed.
- 5 The areas where the truck parking/waiting will be provided, must be designated on the site plan. Adequate maneuverability on site must be demonstrated to ensure that trucks do not have to queue along the County road while waiting to load.
- 6 The height variances required for this proposal are significant. The building addition requires a 20 percent increase over the maximum permitted building height. The 65-foot silos are 35 feet higher than the permitted maximum; a variance of almost 86 percent is required. At its December 10th meeting, the Rockland County Planning Board passed a resolution recommending disapproval of this proposal. The Board considered the height variance to be excessive. They discussed whether a shorter silo height was feasible. The applicant must provide documentation as to the minimum height requirements for a materials storage silo.
- 7 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 8 The final disposition of the existing monitoring wells must be clarified. If any of the existing wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.
- 9 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 10 Turnaround areas must be provided at the northeastern end of the parking area so vehicles parked in space #s 12, 13 and 22 can easily exit these spaces.
- 11 All existing and proposed signage shall conform to the municipality's sign standards.
- 12 It currently appears that some of the parking/storage infringes onto the adjacent lot to the north, tax lot 47.11-1-1.1. These encroachments must be removed before the final site plan can be approved.
- 13 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn  
Rockland County Department of Highways  
New York State Department of Transportation  
Rockland County Drainage Agency

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Palisades Interstate Park Commission  
New York State Thruway Authority  
Rockland County Department of Health  
High Point Engineering  
New York State Department of State,  
Division of Code Enforcement and Administration  
Hillburn Fire District  
John Lynch

*\*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.*

