

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 3, 2017

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.19-1-14 47.19-1-13 47.19-1-12

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

Map Date: 2/3/2016

Date Review Received: 11/22/2016

Item: *TODD VIGNOLA/OUTSIDE STORAGE (HI-35A)*

Updated special permit application to allow continued outside storage, and a revised site plan for a retaining wall, wood shed/lean-to and a storage shed/garage for an existing residential handyman/maintenance services facility. The .7876-acre site is in an R-6 zoning district. East side of Suffern Road, north side of Route 17 and west side of the NYS Thruway.

Reason for Referral:

NYS Route 17, NYS Thruway, Hillburn Advanced Wastewater Treatment Facility

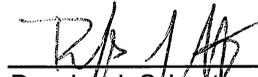
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 By definition, special permit uses are subject to a higher standard of review. The Village must be satisfied that the outside storage complies with special permit standards outlined in Section 250-52, as well as the individual requirements of Section 250-53.L.
- 2 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 3 A review must be completed by the New York State Thruway Authority and any required permits obtained.
- 4 It appears that a parking variance is needed since 23 on-site parking spaces are required but only 13 are provided. A 43.5 percent shortfall is significant. Given that the driveway access to the site is approximately 85 feet north of NYS Route 17, adequate on-site parking must be provided. The safe and efficient flow of traffic must not be affected by insufficient parking at this site.

TODD VIGNOLA/OUTSIDE STORAGE (HI-35A)

- 5 The floodplain Administrator for the Village of Hillburn shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 6 A review must be completed by the Rockland County Drainage Agency and any required permits obtained.
- 7 The proposed accessory buildings and the existing commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Hillburn Fire Inspector, or the Hillburn Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 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 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 12 If the proposed 20' x 30' garage/shed is to be constructed over the property line, as depicted on the site plan, the tax lots must be merged.
- 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.
- 14 A north arrow and a scale shall be provided on the vicinity map.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
New York State Department of Transportation
New York State Thruway Authority
Rockland County Sewer District #1
Federal Emergency Management Agency
Rockland County Drainage Agency
Rockland County Department of Health
New York State Department of State
Rockland County Office of Fire and Emergency Services
Hillburn Fire District

Thomas W. Skrable, P.E.

Todd Vignola

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

