



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 10, 2020

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.15-2-11

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

Map Date: 10/21/2019

Date Review Received: 12/5/2019

Item: 60 TORNE VALLEY ROAD (Hi-12K)

A site plan application to construct a two-story accessory building for truck and material storage, and relocate an existing salt shed for an existing concrete plant on 5.76 acres in the LI zoning district.

Variations are required for front yard, number of parking spaces, and height and number of stories of an accessory structure.

The northeastern side of Torne Valley Road, approximately 95 feet north of NYS Route 59

Reason for Referral:

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

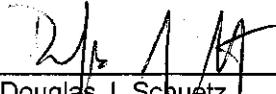
1 The site is characterized by rock outcroppings and steep slopes. The bulk table includes a lot area reduction for steep slopes. However, it appears that this reduction is not in conformance with sections 250-17.M(2) and 250-17.M(3) of the Village's zoning regulations. The bulk table indicates that 156,859 square feet, out of the total gross lot area of 250,856 square feet, have a slope of 25% or less. However, section 250-17.M(2) requires a 50% lot area reduction for slopes over 20%, and excludes all areas with slopes in excess of 50% from lot area calculations. Section 250-17.M(3) requires a 50% lot area reduction for all rock outcroppings in excess of 50 square feet. The site plan must indicate areas of steep slope and rock outcroppings and the bulk table must include lot area calculations that clearly conform to sections 250-17.M(2) and 250-17.M(3).

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- 2 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of September 9, 2019. In particular, the site plan must be amended as per comment 2, which requires that a single driveway provide access for both the accessory building and the parking area in order to minimize the number of conflict points and improve safety on the public road.
- 3 The site is adjacent to property owned by the Rockland County Solid Waste Authority. A review must be completed by them and any comments or concerns addressed.
- 4 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 5 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 6 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.
- 7 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 The lighting plan provided indicates that the intensity of illumination exceeds 0.1 lumens at the property line. The lighting plan must be amended to demonstrate that the intensity of illumination is less than 0.1 lumens at the property line.
- 11 The landscaping plan must be amended to include additional buffers, such as low evergreen shrubs or a berm, between the existing structure and parking areas along the County Highway.
- 12 The site plan indicates that a snow storage area is proposed next to the entrance to the parking area. Piled snow in this location can impede the visibility of drivers exiting the site, creating a traffic hazard. The snow storage area must be relocated so that piled snow does not impede visibility.
- 13 The site plan notes that the existing structure has a square footage of 20,895 square feet. The application review form indicates the existing square footage is 20,595.5 square feet. All materials must be consistent. The application review form must be corrected.
- 14 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 15 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.
- 16 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.

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17 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 Joseph Tursi, Hillburn
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Solid Waste Authority
Palisades Interstate Park Commission

High Point Engineering

**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.