



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 23, 2014

ARLENE R. MILLER
Deputy Commissioner

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.07-1-13

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

Map Date: 8/13/2014

Date Review Received: 8/19/2014

Item: *STORAGE POST EXPANSION PROJECT (M-86E)*

Site plan for the addition of a three-story, 44,250 SF building on the east side of an existing storage facility site. A three-story, 103,593 SF is located on the western half of the property. The 3.6884-acre site is in a PI zoning district.

Northwest corner of Dunnigan Drive and North Airmont Road, abutting the south side of the New York State Thruway

Reason for Referral:

North Airmont Road (CR 89), NYS Thruway, Town of Ramapo, Village of Airmont

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 must comply with the conditions of the Rockland County Highway Department's letter of September 5, 2014.
- 2 A review must be completed by the New York State Thruway Authority and all required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 26, 2014.

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4 The Village of Airmont and the Town of Ramapo are two of the reasons this proposal was referred to this department for review. The Airmont municipal boundary is along Dunnigan Drive and North Airmont Road, both directly adjacent to the site. The Ramapo municipal boundary is 50 feet northeast of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of Airmont and the Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Airmont and the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 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.

7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

8 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Village Fire Inspector to ensure that there is sufficient maneuverability on-site for emergency vehicles.

10 The applicant must satisfactorily address the recommendations of the Tallman Fire Department's letter of March 13, 2014.

11 The proposed landscaping along the northern property line shall be supplemented with low evergreen landscaping to prevent the headlights of vehicles traveling along the interior roadway from shining onto the New York State Thruway. The new landscaping proposed along the western portion of the site, north of the existing building, must also be shown on the landscaping plan.

12 Site Plan Notes # 7 and 8 must be corrected. The site is within the Tallman Fire District and the Ramapo Central School District.

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. A reduction in the building footprint would alleviate the need for these variances.

STORAGE POST EXPANSION PROJECT (M-86E)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
Rockland County Department of Highways
New York State Thruway Authority
Rockland County Department of Health
Tallman Fire District
Brooker Engineering, PLLC
Town of Ramapo, Village of Airmont
Frank G. Relf Architect, P.C
New York State Department of State,
Division of Code Enforcement and Administration
Robert Holly/SP HHF SUB A LLC

**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.

