



**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

February 6, 2015

ARLENE R. MILLER  
Deputy Commissioner

Montebello Planning Board  
One Montebello Road  
Suffern, NY 10901

**Tax Data:** 55.07-1-12

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

**Map Date:** 1/5/2015

**Date Review Received:** 1/16/2015

**Item:** *MANHATTAN BEER DISTRIBUTORS, LLC. (M-80B)*

Site plan for the conversion of 15 existing truck parking stalls to 19 employee parking spaces, and the addition of a 23-space truck parking area in the northwest corner of the site. A natural gas filling station is proposed on the west side of the existing warehouse building. The 14.15-acre site is located in a P1 zoning district.

North side of Dunnigan Drive, approximately 1,200 feet west of Airmont Road

**Reason for Referral:**

NYS Thruway, 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 Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Dunnigan Drive, immediately south 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 must be given the opportunity to review the proposal and its impact on

**MANHATTAN BEER DISTRIBUTORS, LLC. (M-80B)**

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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 22, 2015.

4 The applicant shall comply with the conditions of the Rockland County Drainage Agency's letter of February 2, 2015. As recommended in the letter, a jurisdictional determination and/or a permit must be obtained from the New York State Department of Environmental Conservation.

5 Additional information must be provided about the proposed natural gas filling station, including but not limited to, the type of natural gas and the capacity of the storage tanks. The final disposition of the propane tanks stored by the northwest corner of the building must also be clarified.

6 A review of the proposed natural gas filling station must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

7 The proposed natural gas filling station must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8. If any existing underground storage tanks are to be removed, the Rockland County Department of Health must be notified prior to their removal to ensure compliance with Article X (Petroleum Bulk Storage) of the Rockland County Sanitary Code.

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

10 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.

11 The Grading, Drainage & Erosion Control Plan (Sheet 2 Of 5) indicates that the proposed limits of disturbance are 43, 218 SF or .992 acres. The January 5, 2015 Stormwater Management Report states that the proposed improvements will result in an increase of impervious area of approximately 36,575 SF. It further states that proposed grading was designed to minimize the total disturbance area and keep it under one (1) acre thus avoiding the need for coverage under the SPDES General Permit GP-0-010-001. The Village must consider whether a full stormwater pollution prevention plan is appropriate given the fact that the proposed limits of disturbance are only 342 SF below the one acre threshold.



---

Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello  
New York State Thruway Authority  
Rockland County Department of Health  
Rockland County Department of Highways

**MANHATTAN BEER DISTRIBUTORS, LLC. (M-80B)**

New York State Department of Environmental Conservation  
Rockland County Office of Fire and Emergency Services  
Rockland County Drainage Agency  
Tallman Fire District  
Maser Consulting P.A.  
Village of Airmont  
New York State Department of State,  
Division of Code Enforcement and Administration  
Mike McCarthy

*\*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.*

