



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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DOUGLAS J. SCHUETZ
Acting Commissioner

April 22, 2015

ARLENE R. MILLER
Deputy Commissioner

Montebello
One Montebello Road
Suffern, NY 10901

Tax Data: 55.06-1-3.2

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

Map Date: 3/17/2015

Date Review Received: 3/24/2015

Item: *RAYMOUR & FLANIGAN/22 HEMION ROAD (M-46S)*

Site Plan and Stream and Wetlands Permit for a 10,200 SF auto repair garage and 25,000 SF recycling facility for the exclusive use of an existing furniture warehouse facility on 16.16 gross acres (10.31 net acres) in a PI zoning district.

East side of Hemion Road, north of the Piermont Branch of the Erie Lackawanna Railroad

Reason for Referral:

Hemion Road (CR 93), Rockland County Sewer District No. 1 Pump Station, Village of Airmont, NYS and Federal Wetlands

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 April 9, 2015.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 30, 2015.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 4 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 5 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

RAYMOUR & FLANIGAN/22 HEMION ROAD (M-46S)

- 6 The credited site area calculation is incorrect. The land area with slopes over 25 percent is not excluded. Subtracting this 162,513 SF reduces the net lot area of the site to 6.58 acres. This calculation must be corrected. A variance for development coverage may be required as a result.
- 7 The development coverage calculation must be indicated on the Preliminary Dimensional Plan.
- 8 The Village of Airmont is one the reasons this proposal was referred to this department for review. The municipal boundary is approximately 390 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Montebello.
- 9 The proposed auto repair garage and recycling facility must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 10 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Tallman Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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.
- 13 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 (January 2015) and local ordinances.
- 14 An outdated version of the Short Environmental Assessment Form is included with this application. The New York State Department of Environmental Conservation revised its SEQRA forms in 2013. The applicant must use the current forms.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Rockland County Office of Fire and Emergency Services
Barett, Bonacci & Van Weele, PC
Village of Airmont
New York State Department of State,
Division of Code Enforcement and Administration
Metro North
Sonny Rousell

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

RAYMOUR & FLANIGAN/22 HEMION ROAD (M-46S)

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.

