



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

March 9, 2015

ARLENE R. MILLER
Deputy Commissioner

Montebello Zoning Board of Appeals
One Montebello Road
Suffern, NY 10901

Tax Data: 55.07-1-13

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

Map Date: 1/21/2015

Date Review Received: 2/12/2015

Item: **STORAGE POST SELF STORAGE (M-86F)**

Variations for front setback (NYS Thruway and Dunnigan Drive) and floor area ratio to allow the construction, maintenance and use 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 is seeking a 130 percent increase over the maximum allowable floor area ratio of .40. The floor area ratio of the existing building is .65. The maximum allowable floor area ratio in Planned Industrial and Light Industrial zones in surrounding municipalities ranges between .40 and .50. While we recognize that the storage facility is a low intensity use characterized by off-peak traffic generation, we are concerned about the land use precedent that will be set by granting this variance. Other property owners in the PI zoning district might seek similar relief for the more intensive land uses permitted in this zone. These uses will generate significantly greater peak hour traffic thereby affecting the safe and efficient flow of traffic along Airmont Road and Route 59. The extent of the floor area ratio variance must be reduced.

2 An updated review of the January 21, 2015 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's September 5, 2014 letter.

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3 An updated review of the January 21, 2015 site plan must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant must comply with the conditions of the Health Department's August 26, 2014 letter.

4 A review must be completed by the New York State Thruway Authority and all required permits obtained.

5 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.

6 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking an increase of 130 percent over the maximum allowable floor area ratio. The ability of the existing infrastructure to accommodate facilities of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
Rockland County Department of Highways
New York State Thruway Authority
Brooker Engineering, LLC
Town of Ramapo, Village of Airmont
New York State Department of State,
Division of Code Enforcement and Administration
Robert Holly, Director of Construction

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**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.

