



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 10, 2017

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:** 9/28/2017

**Date Review Received:** 9/28/2017

**Item:** *MANHATTAN BEER DISTRIBUTORS, LLC - PARKING EXPANSION AND CNG STATION (M-80C)*

A site plan application 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 the PI zoning district.

Northern side of Dunnigan Drive, approximately 1,400 feet west of Airmont Road.

### Reason for Referral:

NYS Thruway - I-87/287, 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 community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas

**MANHATTAN BEER DISTRIBUTORS, LLC - PARKING EXPANSION AND CNG STATION (M-80C)**

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 Rockland County Health Department, in their October 3, 2017 letter, states that all required permits have been previously obtained from them. The applicant must continue to comply with the conditions of the Rockland County Health Department's letter of January 22, 2015.
- 4 An updated review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.
- 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.
- 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 Uniform Fire Prevention and Building Code.
- 8 As per the October 5, 2017 letter from the Rockland County Highway Department, the applicant must furnish additional information regarding the number of vehicles that will use the new fueling station, and the number of overall vehicles using the site on a daily basis, to ensure any additional traffic generated by the project will not negatively impact County Highways.
- 9 The applicant must comply with all conditions of the Rockland County Sewer District #1's letter of October 5, 2017.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 12 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.

  
\_\_\_\_\_  
for Douglas J. Schuetz  
Deputy Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello  
New York State Thruway Authority  
Rockland County Department of Health  
Rockland County Department of Highways  
New York State Department of Environmental Conservation  
Rockland County Office of Fire and Emergency Services  
Rockland County Drainage Agency  
Tallman Fire District  
Rockland County Sewer District #1  
New York State Department of State

**MANHATTAN BEER DISTRIBUTORS, LLC - PARKING EXPANSION AND CNG STATION (M-80C)**

Maser Consulting P.A.  
Village of Airmont Planning Board  
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.*

*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.*

