

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 3, 2017

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-4

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

Map Date: 12/29/2016

Date Review Received: 1/31/2017

Item: *OZARK REALTY, LLC (M-158A)*

Site plan for a two-story, 10,753 SF addition to an existing garage building on 1.0316 acres in a PO zoning district. The addition will contain office space. A one-story, 4,575 SF office building is also located on the site.

West side of Hemion Road, 600 feet north of Route 59

Reason for Referral:

Hemion Road (CR 83)

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 addition of office space to the existing garage will result in two principal buildings on the site. It is unclear whether two principal buildings are permitted. This must be clarified.
- 2 A review must be completed by the Rockland County Highway Department and all required permits obtained.
- 3 At its February 8, 2017 meeting, the Rockland County Planning Board adopted a motion recommending that the existing driveway be shifted to the north to align with Lackawanna Trail on the east side of Hemion Road. This option must be explored as it will result in a safer driveway configuration along the County road.
- 4 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 The applicant must comply with the conditions of the Rockland County Sewer District #1's February 14, 2017 letter.

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6 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

7 The proposed addition and the garage, as well as the existing office building, must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review of the site plan, and the fire truck turning radius detail, must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Montebello Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 Additional information must be provided about the 8,865 SF easement parcel to the east of the subject site. Tax parcel data indicates that this area is part of the County right-of way. In addition to providing access to the site, ten parking spaces and half of an eleventh space are located within the easement area. Does the easement agreement allow for parking, as well as site access? While Note 6 is referenced in the easement parcel label, it addresses landscaping not easements.

10 Aerial photography available to this department shows that the southern row of parking spaces is located beyond the property line. All required parking must be provided on the subject parcel.

11 The Landscape and Lighting Plan must include the fields of illumination for existing light sources, as well as the proposed lighting. This plan shall demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. It must also illustrate all landscaping within the easement parcel.

12 Areas currently paved, but which are not used for parking, should be resurfaced with pervious pavers or landscaped. This will reduce the extent of the development coverage which is very close to the permitted maximum under this proposal. A reduction in impervious surfaces will also allow for better drainage on the site.

13 Areas designated for snow removal must be clearly delineated on the site plan so that plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the customers, patients and employees for this purpose.

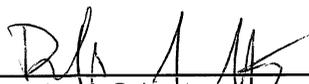
14 All proposed signage shall be shown on the site plan and conform to the village's sign standards.

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

16 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.

17 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.

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Acting Commissioner of Planning

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

Sparaco & Youngblood, PLLC

Ozark Realty, 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.

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.

