



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 25, 2019

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: 12/24/2018

Date Review Received: 12/28/2018

Item: *MANHATTAN BEER DISTRIBUTORS - 20 DUNNIGAN DRIVE (M-80E)*

A site plan application to construct a railroad loading platform and canopy and a 12-car double rail siding for an existing 159,540 square foot warehouse on 14.51 acres in the PI zoning district. Variances are required for front setback and side yard.

The northern side of Dunnigan Drive, approximately 1,390 feet west of North Airmont Road (CR 89).

Reason for Referral:

Village of Airmont, NYS Thruway (I-87/287)

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 50 feet south of the parcel, along the southern edge of the Dunnigan Drive right-of-way. 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 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.

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- 2 According to their January 7, 2019, the Rockland County Sewer District No. 1 owns and maintains a 24-inch sanitary force main that crosses under the railroad track and runs along the southern property line. The applicant must comply with all comments made by the Rockland Sewer District No. 1 in their letter of January 7, 2019.
- 3 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 4 According to digital maps maintained by Rockland County, a 100' wide Orange & Rockland Utility easement crosses over the southwestern corner of the property, where the proposed siding is to be located. A review must be completed by Orange and Rockland Utilities and their comments considered.
- 5 A review must be completed by Consolidated Rail Corporation and any comments or concerns addressed.
- 6 The site plan shall contain map notes, including district information, and a vicinity map with a north arrow and scale.
- 7 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 The site plan indicates that 23 relocated or new trees are proposed along Dunnigan Drive. Any new trees must be of the same or similar species and size as the existing trees.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Thruway Authority
Orange and Rockland Utilities
Rockland County Sewer District #1

di Domenico + Partners LLP
Village of Airmont Planning Board
Consolidated Rail Corporation

**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.