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 Miller
Deputy Commissioner

May 4, 2020

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-5.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/17/2020 **Date Review Received:** 3/31/2020

Item: ***HEMION LAND LEASE, LLC (M-127E)***

Site plan for a two-story, 12,000 SF office building on 1.57 acres in an NS (Neighborhood Services) zoning district.
West side of Hemion Road, approximately 45 feet north of Route 59

Reason for Referral:

Hemion Road (CR 93), NYS Route 59, Town of Ramapo, Village of Suffern

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 A review must be completed by the Rockland County Highway Department, and all required permits obtained.

2 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

3 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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

6 A review of the March 17, 2020 Fire Truck Maneuverability Plan 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 fire trucks can safely maneuver on the site, in the event an emergency arises.

HEMION LAND LEASE, LLC (M-127E)

7 The Town of Ramapo and the Village of Suffern are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along Route 59 approximately 45 feet south of the site. The Suffern municipal boundary is also along Route 59 approximately 110 feet 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 Town of Ramapo and the Village of Suffern 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 Town of Ramapo and the Village of Suffern must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.

8 If applicable, the applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.

9 Snow removal and the resultant snow piles are a critical maintenance consideration for commercial properties during the winter months. We recommend that specific areas be designated for snow storage. This will ensure that large piles of snow are not deposited at the end of parking aisles impeding visibility, or occupying needed parking spaces. The landscaped islands should also be avoided to protect the proposed vegetation from being damaged due to the weight of the snow and salt intrusion.

10 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.

11 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

12 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

13 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

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

15 The purpose of the rectangle in the southeast corner of the parking lot must be indicated on the site plan.

16 The proposed monument sign must conform to the Village's sign standards.

17 United Water is listed as the water district on the application form. This must be corrected to specify SUEZ.

HEMION LAND LEASE, LLC (M-127E)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Highways
New York State Department of Transportation
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
New York State Department of Environmental Conservation

Brooker Engineering, PLLC
Town of Ramapo, Village of Suffern

Michael Daniels

**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.