

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

March 4, 2020

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.07-1-11

55.07-1-12

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

Map Date: 1/16/2020

Date Review Received: 2/12/2020

Item: *MANHATTAN BEER DISTRIBUTORS (M-80F)*

Lot line declamation to combine two parcels into one and a site plan to construct an 82,030 SF building addition to connect the two existing (150,620 SF & 78,550 SF) buildings on the site. The site is located on a total of 20.117 acres in the PI zoning district. A new parking deck and loading areas are proposed on the north side of the building. The previously approved rail siding and canopy are now proposed to be relocated on the south side of the new single building.

North side of Dunnigan Road, approximately 840 feet west of North 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 A review must be completed by the New York State Thruway Authority, any comments or concerns addressed, and any required permits obtained.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

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5 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Dunnigan Road, opposite the southern side 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 county-wide 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 which 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.

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

7 A review 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 the relocated hydrants are adequately located in relation to the proposed building addition, in the event an emergency arises.

8 The site plan must illustrate the applicable measurements from the bulk table. For example, the bulk table states the side yard on the western side of the building is 3 feet. However, the only measurements illustrated are the 20 foot required yard and 50 foot required building setback. This is true for all measurements except rear yard setback.

9 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.

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

11 One existing monitoring well and two abandoned monitoring wells located on the site are proposed to be removed. The NYS DEC must confirm that these wells are no longer required. If they can be removed, the monitoring wells must be properly decommissioned prior to their removal. The Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.

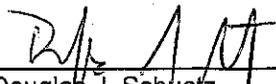
12 Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, designating specific locations on the site for the snow piles will eliminate the loss of parking spaces on the parking deck meant for employees.

13 A dumpster enclosure is not delineated on the site plan. One must be provided, the location of which must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements, total parking spaces, and parking maneuverability for the site.

14 A landscaping plan shall be provided for the entire site which has low evergreen landscaping supplementing the area along all State and County highways to block the headlights of parked cars from shining into such highways.

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- 15 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 16 The Referral Form indicates one of the tax parcels associated with this proposal is 55.07-1-13. This must be corrected to 55.07-1-11. If the public hearing notice was issued with the incorrect information, it must be corrected and reissued.
- 17 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 18 The vicinity map provided must be of a smaller scale to show the site in relation to other sites in the area.
- 19 The site plan shall include map notes that list all appropriate information, including the district details.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Construction Consultation Services, LLC
Village of Airmont
di Domenico + Partners

**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.