

MANHATTAN BEER DISTRIBUTORS, LLC (M-80K)

5 The applicant must satisfactorily address the comments and concerns raised in the Tallman Fire Department's letter of July 24, 2020.

6 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, 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.

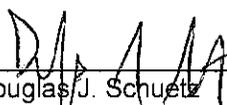
The Village of Airmont must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Airmont must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

7 It has come to our attention that Metro North Railroad owns the tracks that Manhattan Beer is proposing to re-route. Metro North Railroad and Norfolk Southern must review and approve the re-routed track configuration prior to the Zoning Board of Appeals granting the requested variances.

8 The site plan must illustrate the applicable measurements from the bulk table. Drawing S-003 shows the measurements for all existing nonconformities. While Drawing S-004 shows proposed measurements, the 44-foot front setback is not indicated. This measurement must be called out on all maps submitted to the ZBA as it is a requested variance.

9 The site plan shall contain map notes that list all appropriate information, including the district details.

10 The application form indicates the property receives water service from United Water. The form must be corrected to specify Suez.



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
New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District
Metro North Railroad
Northfolk Southern

JMC PLLC
Village of Airmont
Andrew Berger, AIA, ASLA, di Domenico + Partners

Simon Bergson, Manhattan Beer Distributors LLC

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**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.