

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

April 22, 2020

Nyack Planning Board  
9 North Broadway  
Nyack, NY 10960

**Tax Data:** 65.36-1-16

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

**Map Date:** 3/13/2020

**Date Review Received:** 3/10/2020

**Item:** **24 NORTH HIGHLAND AVENUE (N-95G)**

Site plan for the construction of a 3,043 SF convenience store and fueling station located on 1.0 acres in the CC and RMU zoning districts. The convenience store will be located partially in both zoning districts, while the fueling station will be fully contained in the CC zoning district. Six fuel pumps with two fueling positions, for a total of twelve fueling positions, will be provided, as well as a canopy with fire suppressions systems. Fifteen parking spaces are proposed.

Southwest corner of North Highland Avenue, and High Avenue

**Reason for Referral:**

NYS Route 59, North & South Highland Avenue, (US Route 9W), 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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 The proposed convenience store building and fueling station must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Nyack Fire Inspector, or the Nyack Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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5 The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks for the gasoline filling station, as per code. These tanks must also be registered with them.

6 Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.

7 It will be difficult for sanitation workers to access the trash enclosure if vehicles are parked in the three northernmost spaces (spaces 13-15). The trash enclosure must be relocated to an area that is further from the existing residences to the west, accessible to sanitation workers, and does not impede vehicle circulation within the site.

8 Areas designated for snow removal must be clearly delineated on the site plan so that the 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 loss of available parking spaces meant to be used by customers.

9 Currently, the area to the west of the building is paved and used as a drive-thru for the existing bank. It must be clarified if this area is to remain paved, or if it will remain paved.

10 A written agreement must be provided for the cross access driveway for the owner of the parcel to the south of the site.

11 All proposed signage must be shown on the site plan, and conform to all Village requirements.

12 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

13 The revision table on the site plan indicates the first issue of the maps was on March 13, 2020. However, we are in possession of a previous map submission, with a date of January 28, 2020. This date is not reflected on the newer maps. The revision table must be updated to show all submissions and their dates.

14 The site plan must contain a vicinity map with a scale and north arrow.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack  
New York State Department of Transportation  
New York State Thruway Authority  
New York State Department of Environmental Conservation  
Rockland County Department of Health  
Rockland County Office of Fire and Emergency Services  
New York State Department of State  
  
Stonefield Engineering & Design  
Nyack Fire Department

*\*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.*

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*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.*