



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 17, 2019

Hillburn Village Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data:

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

Map Date:

Date Review Received: 11/1/2019

Item: *VILLAGE OF HILLBURN - COMPREHENSIVE PLAN & AMENDED ZONING LAW (Hi-45)*

A Draft Comprehensive Plan and a revised Zoning Code and Zoning Map for the Village of Hillburn.
Throughout the Village

Reason for Referral:

State and County roads, State and County parks, County streams, County facilities, Ramapo River, NYS Thruway (I-87/287), 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***

The proposed Comprehensive Plan is intended to guide the future development and land-use decisions for the Village of Hillburn. It articulates a vision of the community's future and identifies goals and objectives for achieving it. Some of the specific goals stated by the plan are the maintenance of the historic, small-village feel of the community character, the expansion of economic opportunities through the development of non-residential uses, and the preservation and protection of natural resources that are central to the quality of life for residents. These goals are consistent with the stated goals of the Rockland County Comprehensive Plan of conserving open space, fostering opportunities for the growth of businesses in the county, and expanding housing opportunities for the County's diverse population.

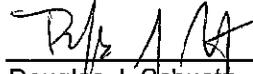
In addition to the Comprehensive Plan, the Village is proposing an amended Zoning Map and Zoning Code that incorporates the goals of the Plan. The County welcomes the opportunity to review the proposed Comprehensive Plan and amended zoning regulations and map.

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- 1 The Conceptual Land Use map that follows page III-6 of the draft Comprehensive Plan has an Office Research Development Overlay in the map legend that is not depicted on the map or mentioned in the preceding section, Land Use Plan and Supporting Framework. The map legend must be corrected.
- 2 The title of Table IV.F-1 (School Enrollment Trend - Hillburn Students Attending Suffern School Districts) is misleading. The title implies that the figures given are the number of Hillburn Students attending schools within the Suffern School District, not the total enrollment of the schools that service the Village of Hillburn. The total enrollments given for each school year exceed the population of the village. The title must be amended to clarify the nature of the data provided.
- 3 Section V - Implementation Matrix has been left blank, to be provided at the time the Comprehensive Plan is adopted. The County requests that the Village refer the implementation matrix for our review upon its completion. It is likely that several of the specific recommendations to implement the adopted Comprehensive Plan will potentially impact County interests.
- 4 The Schedule of General Use and Bulk Requirements for the Transit Oriented Development (TOD) Overlay District refers to Section 250-15A, which is the "Purpose" subsection of the TOD regulations. The table must refer to overall Section 250-15.
- 5 Sections 250-51 and 250-70 of the proposed zoning text provides requirements for the referrals of subdivision, special permits, site plans, and variances to the Rockland County Planning Department for review. The County appreciates the Village's actions to formalize the General Municipal Law requirements into its own regulations. Section 250-70.A does not include the property within 500 feet of the boundary of a farm operation located in an agricultural district. The County is currently in the process of establishing an agricultural district. Although General Municipal Law provides an exemption of this requirement for area variances, a use variance application within 500 feet of a farm operation must be referred to the County. Therefore, this subsection must be included in section 250-70.
- 6 The Ridgeline Protection Overlay Zoning District map includes depictions of the 200-foot buffer area. Several of these buffer areas extend beyond the boundaries of the Village. The map must be amended to exclude areas outside of the jurisdiction of the Village.
- 7 In their letter of December 17, 2019, the Rockland County Sewer District No. 1 indicates several concerns regarding the rezoning of District-owned property associated with the Western Ramapo Sewer District Extension Project. The Village must review the letter and address all concerns and comments given by the District.
- 8 On October 29, 2019, the Village Board of Trustees declared itself the Lead Agency pursuant to the State Environmental Quality Review Act (SEQR) for the proposed comprehensive plan and zoning amendments. The adoption of a Comprehensive Plan and the proposed amendments to the zoning code are Type I actions. The Rockland County Planning Department has no objection to the Board acting as Lead Agency. As an ongoing, interested agency, we request that any Draft Generic Environmental Impact Statements be forwarded to this department, as well as any other interested agencies, for review.
- 9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Joseph Tursi, Hillburn
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Department of Public Transportation
Rockland County Sewer District #1
New York State Department of Transportation
New York State Thruway Authority
Palisades Interstate Park Commission
Rockland County Department of Health

Nelson, Pope & Voorhis, LLC
Town of Ramapo Planning Board
Village of Suffern Planning Board

**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.