



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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THOMAS B. VANDERBEEK, P.E.
Commissioner

February 24, 2014

ARLENE R. MILLER
Deputy Commissioner

Montebello Zoning Board of Appeals
One Montebello Road
Suffern, NY 10901

Tax Data: 40.16-2-3.2

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

Map Date: 12/22/2013

Date Review Received: 1/30/2014

Item: 652 HAVERSTRAW ROAD (M-117D)

Height variance to permit a fence greater than four-feet high, and a front yard variance to permit the installation of a full-size basketball court at the property line. The 3.05-acre site is located in an ER-80 zoning district.

Northwest side of Haverstraw Road, opposite Wilbur Road

Reason for Referral:

NYS Route 202, Village of Wesley Hills, Town of Ramapo, Kakiat Park, Mahwah River

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 shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The site plan must include a bulk table that indicates the zoning district and use group, as well as the bulk standards and what is proposed.
- 3 The project narrative indicates that the adjacent property is owned by the applicant's brother, and that the basketball court will be used by both families. While the proposed location of the basketball court at the property line is currently not an issue since the property owners are related, it may be a problem if either property is sold. An alternative location should be considered.
- 4 The application materials incorrectly indicate that the property is located in an RR-50 zoning district. This area is zoned ER-80. The zoning district information must be corrected.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
New York State Department of Transportation
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
R.A. Associates
Village of Wesley Hills, Town of Ramapo

Nafesa Farid

**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.