



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax: (845) 364-3435

EDWIN J. DAY  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

March 28, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 49.05-1-15

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

**Map Date:** 6/19/2013

**Date Review Received:** 2/28/2014

**Item:** 96 VIOLA ROAD/YOSEF EMUNA (M-135D)

Lot area variances for proposed Lot 15.1 and Lot 15.2, to allow a two-lot subdivision of 2.2205 gross acres in the RR-50 zoning district. A single-family residence is proposed on each parcel.  
Northwest corner of Viola Road and Spook Rock Road

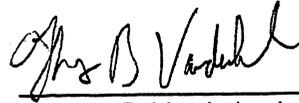
**Reason for Referral:**

Viola Road (CR 74), Spook Rock Road (CR 85), Town of Ramapo, Rockland Community College  
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 An updated review of the June 19, 2013 survey and subdivision plat must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's letter of May 20, 2013.
- 2 An updated review of the June 19, 2013 survey and subdivision plat must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant must comply with the conditions of the Health Department's letter of May 2, 2013.
- 3 The Rockland County Historic Society's Historic Sites and Structures Survey includes the existing dwelling on this site as being historically significant and representative of the Dutch Period. Since the existing dwelling is to be removed, we recommend that the New York State Office of Parks, Recreation and Historic Preservation, the Montebello Historic Preservation Commission or the Montebello Historian be contacted prior to demolition of the structure, regarding the possibility of documenting the historic structure, such as with photographs or other records, before and during demolition.

**96 VIOLA ROAD/YOSEF EMUNA (M-135D)**



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

cc: Mayor Jeffrey Oppenheim, Montebello  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland Community College  
Rockland County Historic Preservation Board  
New York State Office of Parks, Recreation and Historic Preservation  
Gdanski Consultants Inc.  
Town of Ramapo

Yosef Emuna

*\*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.*