



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 23, 2015

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 48.10-1-74

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

Map Date: 2/10/2015

Date Review Received: 3/24/2015

Item: 17 BAYARD LANE - COHEN GARAGE (M-163)

Site plan and Wetlands and Stream Permit, for the proposed construction of a new pre-fab barn/garage, replacing one that burnt down, for an existing single-family residence on 2.06 acres in the R-35 zoning district.

South end of Bayard Lane South, approximately 255 feet south of Bayard Lane

Reason for Referral:

Mahwah River, Federal wetlands

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 Since the site is located within the floodplain of the Mahwah River, a review must be completed by the County of Rockland Drainage Agency and all required permits obtained. The Drainage Agency should review the floodplain elevations to ensure that they are in agreement with the latest FEMA information.
- 2 The floodplain Administrator for the Village of Montebello shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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5 Since there are Federal wetlands on site, a review shall be completed by the United States Army Corps of Engineers and any required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
Rockland County Drainage Agency
United States Army Corps of Engineers
Thomas W. Skrable, P.E.

**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.