

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 1, 2016

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 41.17-1-65.1

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

Map Date: 4/17/2016

Date Review Received: 5/4/2016

Item: *INKBERRY PROPERTIES, INC./133 SPOOK ROCK ROAD (M-125B)*

Site plan application to grow blueberry bushes and keep bees on a 1.31 acre site in the RR-50 zoning district.

West side of Spook Rock Road, opposite Marget Ann Lane

Reason for Referral:

Spook Rock Road (CR 85)

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 The site plan submitted with this application is deficient. The scale must be provided in an engineering format. The driveway access must be indicated. In addition to providing a vicinity map and map notes, it must also include a bulk table with the use group specified and the bulk standards indicated. It is not possible to evaluate whether this proposal complies with the applicable zoning requirements without this information. A complete site plan must be submitted for our review.
- 2 While growing blueberry bushes can be considered an agricultural use permitted by right in the RR-50 zoning district, it is unclear whether beekeeping is an as-of-right or special permit use. This must be clarified and the appropriate use group identified.
- 3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 4 A review of the planned well must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.

INKBERRY PROPERTIES, INC./133 SPOOK ROCK ROAD (M-125B)

5 The project narrative states that the applicant "will not be selling blueberries to customers at the site." This contradicts information posted online about this facility. It is advertised as a "u-pick" blueberry farm on several sites. Given the limited on-site parking proposed and the commercial nature of a "u-pick" operation, it must be clarified whether the sale of produce is proposed and permitted.

6 If a special permit application is deemed necessary for either use, it will be subject to a review by this Department, as mandated by the New York State General Municipal Law.

7 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Highways
Rockland County Department of Health
Sustainable Designs

William Oster

**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.