

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 30, 2016

Montebello Planning Board  
One Montebello Road  
Suffern, NY 10901

**Tax Data:** 55.06-1-3.1

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

**Map Date:** 8/3/2016

**Date Review Received:** 8/10/2016

**Item:** *RAYMOUR & FLANIGAN/22 HEMION ROAD (M-46T)*

Amended site plan for the installation of a 400 KW generator, with a diesel day tank below, on a 20' x 15' concrete pad on the south side of an existing warehouse building on 49.1 acres in a PI zoning district. East side of Hemion Road, immediately north of the Piermont Branch of the Erie Lackawanna Railroad, west of Dunnigan Drive and approximately 900 feet north of NYS Route 59

**Reason for Referral:**

Hemion Road (CR 93), NYS Thruway, RC Sewer District No. 1 Pump Station, Villages of Airmont and Suffern, 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 The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.
- 2 A review must be completed by the Rockland County Department of Highways and all concerns addressed and all required permits obtained.
- 3 If the diesel day tank has a total capacity of over 1100 gallons, engineering plans and specifications must be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article X (Petroleum Bulk Storage) of the Rockland County Sanitary Code.

**RAYMOUR & FLANIGAN/22 HEMION ROAD (M-46T)**

  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello  
Rockland County Department of Highways  
New York State Thruway Authority  
Rockland County Sewer District #1  
United States Army Corps of Engineers  
New York State Department of Environmental Conservation  
Division of Air Resources  
Rockland County Department of Health  
  
Barrett, Bonacci & Van Weele, PC  
Villages of Airmont and Suffern

Suffern CDC, LLC

*\*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.*