

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 15, 2016

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 40.20-1-7

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

Map Date: 11/7/2016

Date Review Received: 11/15/2016

Item: *SUEZ NEW YORK WATER - GRANDVIEW WELLS #67 & #78 (M-167)*

Site plan and special permit application for the replacement of an existing arsenic removal treatment system in use at both wells, with a new single system to be located in one treatment building sited near Well #67 at the rear of the site. A new 822 sq. ft. building is proposed to house the treatment system; an existing 243 sq. ft. building will remain that houses Well #78. The site is located on 3.554 acres in the RR-50 zoning district and Conservation Overlay District. No variances are required to implement the site plan or special permit use.

South side of Grandview Avenue, west side of Kakiat Court

Reason for Referral:

Grandview Avenue (CR 80), Town of Ramapo, Village of Wesley Hills

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 Health, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.
- 3 A review must be completed by the County of Rockland Department of Highways and all concerns addressed and required permits obtained.

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4 By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials. - and - Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.

5 Under SARA - Title 3, the applicant must register with the Rockland County Fire Training Center.

6 The Town of Ramapo and the Village of Wesley Hills are some of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line, directly adjacent to the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Wesley Hills must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo and the Village of Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

7 Page 8 of 21 of the Long Environmental Assessment Form must be updated to indicate that permits are required from the Rockland County Department of Highways since the site is located on a County highway.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Health
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services

BS & J Engineers, P.C.
Town of Ramapo
Village of Wesley Hills

**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.

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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.

