Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 30, 2017

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 49.05-1-17

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/13/2008 **Date Review Received:** 10/2/2017

Item: ***84 VIOLA ROAD LLC - FOOT BRIDGE (M-100J)***

A Wetlands and Stream Protection Permit to allow a foot bridge on 10.13 acres in the RR-50 zoning district.
The northern side of Viola Road, approximately 600 feet west of Spook Rock Road.

Reason for Referral:

Viola Road (CR 74), 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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.

2 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained from them.

3 If there is any disturbance of Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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4 The submitted site plan has been reduced in size and is not to scale. The proposed location of the foot bridge has been hand-drawn. Additionally, the site plan shows a proposed 12,000 sq. ft. building, a proposed parking area, and a hand-written note regarding parking requirements for a church. The most recent application sent to this department regarding this property was for a four-lot subdivision with single-family residences on each lot, received December 5, 2008. The submitted application does not give any information regarding proposed uses for this property. The applicant must clarify the intended use of the property and provide a site plan that is to scale and gives an accurate location of the proposed foot bridge.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Highways
United States Army Corps of Engineers
New York State Department of Environmental Conservation

84 Viola Road 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.