

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 20, 2017

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-3

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

Map Date: 1/24/2017

Date Review Received: 2/7/2017

Item: *HEMION HOLDINGS (M-79F)*

Amended site plan to coordinate ingress and egress from the shopping center to the new development proposed to the west. The ingress and egress points of the shopping center onto Route 59 will be redesigned, and the freestanding business identification sign will be upgraded. The 3.266-acre shopping center site is in an NS zoning district.

Northwest corner of Route 59 and Hemion Road

Reason for Referral:

NYS Route 59, Hemion Road (CR 93), Village of Suffern, Town of Ramapo

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 Village of Suffern and Town of Ramapo are two of the reasons this proposal was referred to this department for review. The municipal boundaries are along Route 59 directly opposite and southeast of 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.

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The Village of Suffern and Town of Ramapo 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 Village of Suffern and Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposed use.

- 2 A review must be completed by the New York State Department of Transportation and all required permits obtained.
- 3 A review must be completed by the Rockland County Highway Department and all required permits obtained.
- 4 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 Low evergreen landscaping shall be provided in front of the parking spaces facing Hemion Road to shield headlights from shining into oncoming vehicles traveling on the County road.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 7 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.
- 8 The proposed plaza sign shall conform to the village's sign standards.
- 9 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for customers for this purpose.
- 10 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 11 The development coverage must be recalculated since several macadam areas are to be removed. The applicant shall pursue other opportunities to reduce the development coverage by using pervious pavers where appropriate.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health

Brooker Engineering, PLLC
Village of Suffern, Town of Ramapo

Hemion Holdings, LLC

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**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.

