

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 17, 2018

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: 8/24/2018

Date Review Received: 9/14/2018

Item: **84 VIOLA ROAD (M-100K)**

A site plan application to construct a 31,250 sq. ft. community place of worship with 115 parking spaces on 10.13 acres (8.01 net acres) in the RR-50 zoning district. An existing historic farmhouse is to be preserved and used as a caretaker's residence with two additional parking spaces. The property is partially located in the Historic and Scenic Roads Overlay 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 The narrative describes the project as a house of worship and the bulk table indicates that Use Group c is the appropriate bulk requirement. As established on August 15, 2018 by Local Law No. 6-2018 of the Village of Montebello, the proposal is now considered a Community House of Worship, which is allowed in the RR-50 zoning district by special permit and must conform to the bulk requirements of Use Group O. The narrative and bulk table must be amended to reflect the updated use description and bulk requirements.

84 VIOLA ROAD (M-100K)

- 2 The applicant must provide additional information regarding the intended uses of the multipurpose room on the first floor and the 2,700 square foot patio on the eastern side of the structure. Architectural drawings indicate a warming kitchen is proposed, and the site plan includes the installation of a grease trap. These features suggest that the first floor may be used for catered events or rented out to non-congregants, which may then, in turn, require accommodations for truck deliveries. The impacts of such activities on traffic, parking, and noise must be addressed. The applicant must clarify their intentions regarding these spaces. The Village must impose conditions, including the implementation of a parking management plan, if necessary, to ensure that activities in the multipurpose room and patio are appropriate accessory uses and do not generate negative impacts on the surrounding neighborhood.
- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of September 21, 2018.
- 6 As per the September 28, 2018 letter from the Rockland County Drainage Agency, they are an interested and involved agency pursuant to SEQRA. Drawings and stormwater management calculations must be provided to them for review and comments.
- 7 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained from them.
- 8 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.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Montebello Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 The Village shall be satisfied that the proposal complies with the requirements of the Historic and Scenic Roads Overlay District.
- 11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control. The proposed structure will come within a few feet of the village regulated stream buffer area. In addition, the proposed soil erosion and sediment control plan indicates that silt fencing will be established within buffer area, as well. The applicant must demonstrate to the Village's satisfaction that construction activities will not have an adverse impact on the regulated stream.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 14 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

84 VIOLA ROAD (M-100K)

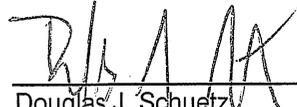
- 15 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 16 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.
- 17 A landscaping plan that provides a buffer for the adjacent properties and the County highway must be provided. The plan must also provide landscaping in the parking areas to help break up the large amount of pavement proposed. There must be landscaping at the front of the building to help break up the long façade, as well.
- 18 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 loss of available parking spaces meant to be used by congregants.
- 19 According to the parking calculations on the site plan, the first floor multipurpose room will require 111 parking spaces while the second floor sanctuary will require 108 parking spaces. The proposed 115 parking spaces for the principal use is sufficient to accommodate these areas individually, but not simultaneously. The applicant must provide additional information regarding the schedule of all uses in order to demonstrate that there is adequate parking provided on site for all proposed uses. Sufficient parking must be provided, especially since the site is located on a county highway.
- 20 The project description in the Environmental Assessment Form indicates that 157 parking spaces are proposed. The form must be corrected to 117 parking spaces.
- 21 All signs shall be shown on the site plan and comply with the village's sign ordinance.
- 22 The site plan indicates that the temporary turnarounds at the Emerald Lane terminus are to be abandoned. Since there is no proposed access into the site, and Emerald Lane will remain a dead end, the turnaround areas must be made permanent.
- 23 The main entrances are located along the southern façade, which will encourage the dropping off and picking up of passengers in this area. However, the proximity to a travel lane and parking spaces is not conducive to the use of this area as a drop-off. The site plan must be amended, including the use of signage, to establish a safe drop-off area that is separate from the travel lane and parking area.
- 24 The existing well that is to be abandoned must be properly decommissioned prior to its removal. The Rockland County Department of Health must be notified of the intent to decommission the well, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.

84 VIOLA ROAD (M-100K)

25 There must not be any queueing of vehicles along the county highway. The applicant must demonstrate that the proposed entrance can accommodate the peak volume of traffic into the site. The narrative refers to a traffic analysis performed in 2016 for a larger structure. It is not clear from the narrative if the current proposal will generate a reduced level of traffic, or if previous analysis indicated that there would be no queue in the roadway. The village and the Rockland County Highway Department must be satisfied that this analysis explicitly demonstrates the adequacy of the entranceway.

26 The location of the accessway must be moved so that it is opposite Lety Lane and designed so that it is at a right angle to the County highway.

27 A Community House of Worship is allowed by Special Permit in the RR-50 zoning district by the Village Board. We request the opportunity to review the Special Permit application, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Atzl, Nasher & Zigler P.C.

**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.