Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 6, 2018

Montebello Zoning Board of Appeals
One Montebello Road
Suffern, NY 10901

Tax Data: 40.19-1-34 40.19-1-33

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/7/2018 **Date Review Received:** 11/30/2018

Item: ***GERBER ESTATE - 556 & 558 HAVERSTRAW ROAD (M-175C)***

A variance application to allow a lot line adjustment and the installation of a circular driveway and a tennis court on a two-lot residential compound, with a total of 3.58 acres, in the RR-50 zoning district. Variances are requested for side yard and development coverage for both lots; rear yard for lot 34; and Section 195-19.C (Fences) for lot 33.

The western side of Haverstraw Road (US Route 202), opposite Coe Farm Road.

Reason for Referral:

Town of Ramapo, Mahwah River, Kakiat Park, Haverstraw Road (US Route 202)

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

This department received an application for a General Municipal Law review on October 30, 2018, which included plans dated October 19, 2018. On November 30, 2018, a revised subdivision plat was received by this department, which was dated November 7, 2018. Because the latter plan was received prior to the completion of the first review, and since there were no significant changes to the proposal, a single review is being issued for the proposal.

1 An updated review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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.

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4 The applicant must comply with all comments made by the Rockland County Drainage Agency in their letter of May 30, 2018.

5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 500 feet to the north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Montebello.

6 The site plan must include all necessary easements for the shared driveway, utilities, or access to any shared structures or improvements.

7 The application narrative indicates that a proposed future pool house is not included in the current application. The site plan must note that the pool house is not proposed at this time, as well.

8 To reduce the extent of the maximum development coverage variance, pervious pavers must be used.

9 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Sewer District #1

Civil Design Works LLC
Town of Ramapo Planning Board

**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.