Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 12, 2018

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

Tax Data: 55.08-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/2/2018 **Date Review Received:** 5/16/2018

Item: ***H&S OFFICE BUILDING - 49 NORTH AIRMONT ROAD (M-20P)***

A variance application to allow the creation of additional parking for an existing office building on 0.86 acres in the LO-C zoning district. Variances are requested for development coverage and side yard. The southern side of North Airmont Road (CR 64), approximately 700 feet east of Rella Boulevard.

Reason for Referral:

North Airmont Road (CR 64), 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 It appears that a portion of the property has been turned over to the County of Rockland for right-of-way purposes. In 2001, site plan and variance applications were referred to this office that displayed a different lot line configuration and lot size than what is indicated in the current application. As a result of the lot size reduction, several non-conformities were increased. Specifically, lot area, lot width, front setback, side setback, total side setback, and front yard are now less conforming than what was approved in the variance application that was granted on July 19, 2001. These changes are noted in the bulk table, but the table does not indicate that they are included in this current application. In addition, there is no record of a variance application for these bulk changes having been sent to the Rockland County Planning Department for review. We recommend that these changes be incorporated into the current application for formal approval. The application and public hearing notice must be amended if these variances are deemed to be needed. The former lot line and portion of the property turned over to the right-of-way must be shown on the site plan. The bulk table must indicate that variances are also required for the bulk measurements listed above.

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2 In their letter of May 21, 2018, the Rockland County Highway Department expressed significant concerns regarding the safety of the proposed driveway configuration. The applicant must reconfigure the driveway to address potentially unsafe traffic conditions, as well as comply with all other comments made by the Rockland County Highway Department.

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 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line 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.

5 The landscaping plan must be supplemented with low, evergreen landscaping or a berm along the western property line so as to shield the headlights of vehicles parked in the proposed spaces from shining into the neighboring property.

6 The application form and map notes indicate that the property receives water service from United Water and the map notes indicate the property is in the Town of Ramapo Sewer District. The form and map notes must be corrected to Suez and Rockland County Sewer District No. 1.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Health
Rockland County Department of Highways

Atzl, Nasher & Zigler P.C.
Town of Ramapo

**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.