



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 4, 2018

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-5.1

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

Map Date: 9/24/2018

Date Review Received: 9/28/2018

Item: *MCDONALD'S - 1 INDIAN ROCK PLAZA (M-32GG)*

A site plan application for site improvements to an existing fast food restaurant on 8.21 acres in the NS zoning district. Improvements include the modification and repair of existing walkways, repair of damaged curbing, upgrade of handicap parking stalls to meet ADA requirements, replacement of an existing tree, replacement of roofing materials, and replacement of drive-thru and roof signs.

The northeastern corner of Hemion Road (CR 93) and Lafayette Avenue (NYS Route 59)

Reason for Referral:

Town of Ramapo, Villages of Airmont and Suffern, Hemion Road (CR 93), Lafayette Avenue (NYS Route 59)

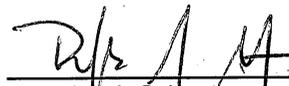
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****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 shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 The Town of Ramapo and the Villages of Airmont and Suffern are some of the reasons this proposal was referred to this department for review. The municipal boundary with Airmont is adjacent to the eastern property line, the Ramapo boundary is directly south of the property within the right-of-way of Route 59, and the Suffern boundary is approximately 130 feet southwest of the parcel. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Villages of Airmont and Suffern must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Montebello.

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- 4 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 5 The map notes should include district information.
- 6 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.
- 7 The proposed number of wall signs and the height of the proposed ground mounted sign exceed the Village sign standards. This department generally objects to proposals that do not comply with a municipality's sign regulations because of the precedent it sets. Nearby commercial uses may be encouraged to request similar exemptions, thereby resulting in a proliferation of oversized signs that will have an adverse effect on the safe and efficient flow of traffic along the State highway and County road. The Village's sign standards are reasonable and should be followed. In its consideration of adjusting the sign regulations for this proposal, the Planning Board must take into account the precedent set by this action and the potential impact that may result from other property owners seeking similar relief.



Douglas J. Schuetz
Acting Commissioner of Planning

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

SWA Architects
Town of Ramapo Planning Board
Village of Airmont Planning Board
Village of Suffern 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.