



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 22, 2018

Montebello Village Board
One Montebello Road
Suffern, NY 10901

Tax Data:

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

Map Date:

Date Review Received: 2/1/2018

Item: *VILLAGE OF MONTEBELLO - LOCAL LAW TO ALLOW BEEKEEPING (M-170)*

A Local Law to amend Village Code to permit and regulate beekeeping.
Throughout Montebello within the ER-80, R-50, R-35, and R-25 zoning districts.

Reason for Referral:

State and County roads, parks, and facilities, County streams, adjacent municipalities

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 proposed local law states beekeeping shall be permitted in the ER-80, R-50, R-35 and R-25 zoning districts. It is unclear whether this activity is considered an accessory use to a residence, a home occupation, or an agricultural use, which would be a principal use in its own right. The Village must clarify what type of use it considers beekeeping to be.
- 2 The village must address other types of activities that could be associated with beekeeping, such as the bottling, labelling, storage, and sale of honey. Would the on-site, retail sale of honey or the processing of honey produced from off-site hives be considered an extension of the allowed activity? The village must establish criteria for what is appropriate as associated activities to beekeeping.
- 3 A review must be completed by the County of Rockland Department of Health and their comments considered.

Douglas J. Schuetz
Acting Commissioner of Planning

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

VILLAGE OF MONTEBELLO - LOCAL LAW TO ALLOW BEEKEEPING (M-170)

Rockland County Division of Environmental Resources

Rockland County Drainage Agency

Rockland County Department of Highways

Rockland Community College

Palisades Interstate Park Commission

New York State Department of Transportation

Wesley Hills, Ramapo, Suffern

**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.