

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

March 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: 2/23/2018

Item: *VILLAGE OF MONTEBELLO - MERGING OF NS AND PO ZONING DISTRICTS (M-172)*

A local law to amend the zoning code for the merging of the Professional Office (PO) and Neighborhood Shopping (NS) districts into a new NS district. It includes the changing of retail boutique and specialty shop uses to retail services and personal services, eliminating museums, libraries and non-commercial art galleries, and adding animal hospitals and veterinary clinics as a Special Permit use. NS and PO zoning districts.

Reason for Referral:

State and County roads, Town of Ramapo, Village of Suffern, Village of Airmont

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 their comments considered.
- 2 A review must be completed by the New York State Department of Transportation and their comments considered.
- 3 Proximity to the Town of Ramapo and the Villages of Suffern and Airmont is one of the reasons this proposal was referred to this department for review. The boundaries of these municipalities are within 500 feet of the subject zoning districts. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning amendment and provide any concerns related to it to the Village of Montebello.

VILLAGE OF MONTEBELLO - MERGING OF NS AND PO ZONING DISTRICTS (M-172)

4 The parking standards for libraries, museums, and art galleries must be deleted from the Table of General Use Requirements for the NS zoning district, as these uses are to be eliminated.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Highways
New York State Department of Transportation
Town of Ramapo, Villages of Suffern & Airmont

**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.