

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 14, 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:** 7/13/2018

**Item:** *VILLAGE OF MONTEBELLO - ASSISTED LIVING RESIDENCES (M-178)*

A Local Law amending Section 195-87.1 and the Tables of General Use and Bulk requirements to allow Assisted Living Residences as a use by Special Permit in the LO-C zoning district.  
Throughout the LO-C zoning district

**Reason for Referral:**

State and County Roads, NYS Thruway I-87/287, Town of Ramapo, Villages of Airmont and Suffern

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 Proximity to the Town of Ramapo and the Villages of Airmont and Suffern is one of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning amendments and provide any concerns related to them to the Village of Montebello.

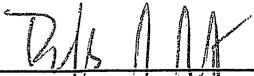
2 The proposed height limit for an Assisted Living Residence in the LO-C zoning district is 50 feet. The amended Special Permit standards Section 195-87.1H allows an additional 10 feet of height for non-habitable space. This allows a maximum possible height of 60 feet. Other uses in the LO-C zoning district must comply with the bulk restrictions found in use groups A and L. These use groups allow a maximum height of 35 and 30 feet, respectively. The maximum allowed height of an Assisted Living Residence is significantly higher than what is allowed for other uses in the LO-C zoning district. Allowing a special permit use to have heights that exceed the limitations of the bulk requirements for the existing uses seems to be inconsistent and conflictive. Special permit uses should have more stringent requirements, unless there is a rationale for the extra height, so that they remain in character with the surrounding neighborhood and uses. We recommend that the height requirement for this use be reduced to more closely conform to the existing requirements for other uses of the zoning district.

**VILLAGE OF MONTEBELLO - ASSISTED LIVING RESIDENCES (M-178)**

3 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.

4 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.

5 A review shall be completed by the New York State Thruway Authority and any comments or concerns addressed.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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