Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 26, 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: 6/27/2018

Item: ***VILLAGE OF MONTEBELLO - SCENIC/HISTORIC ROADS (M-173A)***

Zoning Code Amendments to add scenic and historic roads as an overlay district on specific roads identified in a recommendation of the recently adopted 2017 Comprehensive Plan.
Throughout the Village

Reason for Referral:

State and County roads, Mahwah River, Town of Ramapo, Villages of Airmont, Suffern, and Wesley Hills, Rockland Community College, Harriman Sate Park, Kakiat Park

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**

We applaud the Village of Montebello for amending their zoning ordinance to incorporate some of the recommendations of their recently adopted 2017 Comprehensive Plan. We offer the following comments with regard to the proposed Overlay Zone.

1 Several sections of the proposed amendments discuss stone walls along the identified scenic and/or historic roads. These sections state: "If stone walls or portions thereof must be removed for safety reasons, they shall be rebuilt in a comparable manner in a similar location and with a similar orientation, with respect to the right-of-way of the Historic and Scenic Road." To ensure that the locations do not impede sight distance, the appropriate jurisdictional agency, i.e. New York State Department of Transportation or the Rockland County Department of Highways, must review the new wall specifications, including setback, height, etc. prior to their relocation and construction.

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2 Section 195-60S.(3) discusses annual review by the Village Planner of the transportation improvement program projects proposed by the New York Metropolitan Transportation council, the Rockland County Highway Department, or Town of Ramapo Department of Public Works to determine if they will have a negative impact on the Historic and Scenic Roads Overlay District. The New York State Department of Transportation should be added to this list, as they could have a project that is only using State funding.

3 Currently TOR Bus Route 93 operates on some of the identified Scenic and Historic Roads (generally US Route 202, and Viola Road). To ensure that the Scenic & Historic Road Districts do not conflict with the bus operation, discussions should be held with the Rockland County Department of Public Transportation to discuss each other's general goals and policies.

4 A review must be completed by the county agencies that have property/facilities that abut or traverse along the identified Scenic & Historic Roads. These include the: County of Rockland Department of Highways; Rockland County Drainage Agency; Rockland County Division of Environmental Resources; and Rockland Community College. Any comments or concerns raised by these agencies regarding the proposed amendments must be addressed.

5 A review must be completed by the New York State Department of Transportation, and any comments or concerns addressed.

6 Since Kakiat Park, the Mahwah River, and Rockland Community College have significant frontage along roadways identified to be included in the Scenic & Historic Road Districts, there should be some mechanism in place to work cooperatively with these agencies to ensure that any improvements adjacent to the roadways are in keeping with the goals/policies of the Overlay Zone, while achieving the goals/objectives of the projects for these agencies. A new section should be added, such as to Section 195-60S. to reference review of projects by these other agencies.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland Community College
Rockland County Division of Environmental Resources
Palisades Interstate Park Commission
Rockland County Department of Public Transportation

Villages of Airmont, Suffern, Wesley Hills
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.

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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.