



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 28, 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: 2/27/2018

Item: *VILLAGE OF MONTEBELLO - WETLANDS & STREAM PROTECTION (M-174)*

Zoning Code Amendments to modify sections of the Wetlands and Stream Protection Ordinance, Chapter 191 and to modify sections within Chapter 195, Zoning of the Village of Montebello Code. A new overlay protection district is proposed for wetlands, waterbodies, and streams.
Throughout the Village

Reason for Referral:

State and County roads, Harriman State Park Kakiat Park, County streams, Town of Ramapo, Villages of Airmont, Suffern, Wesley Hills, Rockland County Sewer District #1 pump stations, Rockland Community College

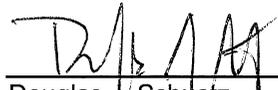
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 Section 191-4(2) has omitted sections of the sentence. The word "of" should be retained for that sentence, so that the line reads: "Any vernal pool or area within 100 feet of a vernal pool."
- 2 The sentence in Section 191-5D. Is awkward as written, and difficult to decipher. The first part of the sentence should be rewritten to better clarify the intent.
- 3 It seems that an incorrect word is used under Section 191-6A.(2)(a)[1]. We believe that the word "planning" should be changed to "planting."
- 4 The numbering for Section 191-6 A.(2)(a) seems to be incorrect. The numbering for this section seems to be [1], [2], [3], [24], and [4]. The fourth and fifth items should be numbered as [4] and [5], and a strike through added for the new [4]. In addition, the strike through is also missing for Section 191-6A.(3) for the old "4" to be removed.

VILLAGE OF MONTEBELLO - WETLANDS & STREAM PROTECTION (M-174)

- 5 Section 195-37B. has an extra word in the first sentence. The word "on" should be removed, so that the sentence reads: "...aquifers are shown in figure NR-5..."
- 6 Section 195-63B.(1)(b)(ii) should also include building permits in the third sentence for the applicant securing a floodplain development permit.
- 7 Section 195-63B(2)(a)(i) references a section of Chapter 195. The Village should check to ensure that this is the correct section referenced, as there is no Section 195-92-4 in the Code. This must be corrected.
- 8 The numbering for Section 195-63B.(2)(b) skips from (i) to (iii). All of the numbers in parenthesis should be renumbered after (i).
- 9 A composite map, showing all three EPOD overlays might be beneficial, thereby illustrating all of the parcels that meet these more stringent requirements. In addition, the sources on the map should provide more details as to the specific layers, and what information is obtained from each entity. For example, the environmental layer (e.g. wetlands, streams) should indicate that the data is compiled from the NYS GIS Clearinghouse, and that the parcels are obtained from the Rockland County GIS data.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Division of Environmental Resources
Rockland Community College

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.*

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.