



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 17, 2019

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 49.05-1-17

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

Map Date: 2/28/2019

Date Review Received: 3/15/2019

Item: 84 VIOLA ROAD (M-100L)

A site plan application to construct a 28,800 sq. ft. community place of worship with 144 parking spaces on 10.13 acres (8.01 net acres) in the RR-50 zoning district. An existing historic farmhouse is to be preserved and used as a caretaker's residence with two additional parking spaces. The property is partially located in the Historic and Scenic Roads Overlay District.

The northern side of Viola Road, approximately 600 feet west of Spook Rock Road.

Reason for Referral:

Viola Road (CR 74), Spook Rock Road (CR 85)

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 narrative describes the project as a house of worship, and as allowed by right. As established on August 15, 2018 by Local Law No. 6-2018 of the Village of Montebello, the proposal is now considered a Community House of Worship, which is allowed in the RR-50 zoning district by special permit. The narrative must be amended to reflect the updated use description.
- 2 The applicant must provide additional information regarding the intended uses of the multipurpose room on the first floor and patio on the southern side of the structure. Architectural drawings include table seating for over 500 people and a kitchen area is proposed, and the site plan includes the installation of a grease trap. These features suggest that the first floor may be used for catered events or rented out to non-congregants, which may then, in turn, require accommodations for truck deliveries. The impacts of such activities on traffic, parking, and noise must be addressed. The applicant must clarify their intentions regarding these spaces. The Village must impose conditions, including the implementation of a parking management plan, if necessary, to ensure that activities in the multipurpose room and patio are appropriate accessory uses and do not generate negative impacts on the surrounding neighborhood.

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- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. In addition, the applicant must comply with the Department's letter of April 5, 2019 and decommission the existing well on site.
- 4 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of March 22, 2019.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of March 27, 2019.
- 6 As per the September 28, 2018 letter from the Rockland County Drainage Agency, they are an interested and involved agency pursuant to SEQRA. Drawings and stormwater management calculations must be provided to them for review and comments.
- 7 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained from them.
- 8 If there is any disturbance of Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Montebello Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 10 The Village shall be satisfied that the proposal complies with the requirements of the Historic and Scenic Roads Overlay District.
- 11 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 14 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 15 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 16 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

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17 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

18 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by congregants.

19 According to the parking calculations on the site plan, the 144 parking spaces can accommodate 720 seats. The total number of seats proposed for both floors is 1,084. The proposed 144 parking spaces for the principal use is sufficient to accommodate each floor individually, but not simultaneously. The applicant must provide additional information regarding the schedule of all uses in order to demonstrate that there is adequate parking provided on site for all proposed uses. Sufficient parking must be provided, especially since the site is located on a county highway. Under no circumstances can parking be located within the County highway right-of-way.

20 The project description in the Environmental Assessment Form indicates that the proposed structure will be 31,250 sq. ft. with a 15,625 sq. ft. footprint, and that 157 parking spaces are proposed. The form must be corrected to indicate the correct size of the structure and the number of parking spaces.

21 All signs shall be shown on the site plan and comply with the village's sign ordinance.

22 The site plan indicates that the temporary turnarounds at the Emerald Lane terminus are to be abandoned. Since there is no proposed access into the site, and Emerald Lane will remain a dead end, the turnaround areas must be made permanent.

23 There must not be any queuing of vehicles along the county highway. The applicant must demonstrate that the proposed entrance can accommodate the peak volume of traffic into the site.

24 The narrative refers to a traffic analysis performed in 2016 for a larger structure. It is not clear from the narrative if the current proposal will generate a reduced level of traffic, or if previous analysis indicated that there would be no queue in the roadway. The village and the Rockland County Highway Department must be satisfied that this analysis explicitly demonstrates the adequacy of the entranceway.

25 A Community House of Worship is allowed by Special Permit in the RR-50 zoning district by the Village Board. We request the opportunity to review the Special Permit application, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Atzl, Nasher & Zigler P.C.

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**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.