



Rockland County

Ed Day, Rockland County Executive

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

October 10, 2019

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-5.1

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

Map Date: 8/7/2019

Date Review Received: 9/11/2019

Item: *INDIAN ROCK SHOPPING CENTER (M-32JJ)*

Site plan for the gut renovation of the interior of an existing restaurant located as a stand-alone building within an 8.21-acre shopping center in the NS zoning district. The interior will be divided into four spaces to accommodate the relocation of up to four existing tenants from the main shopping center. The exterior will remain essentially the same, with the addition of two sidewalks for wheelchair accessibility and tenant entry in the rear of the building.

The northeastern corner of Hemion Road (CR 93) and Lafayette Avenue (NYS Route 59)

Reason for Referral:

Town of Ramapo, Villages of Airmont and Suffern, Hemion Road (CR 93), Lafayette Avenue (NYS Route 59)

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:

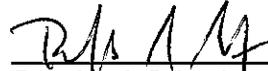
****Recommend the following modifications***

1 The Town of Ramapo and the Villages of Airmont and Suffern are some of the reasons this proposal was referred to this department for review. The municipal boundary with Airmont is adjacent to the eastern property line, the Ramapo boundary is directly south of the property within the right-of-way of Route 59, and the Suffern boundary is approximately 130 feet southwest of the parcel. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Villages of Airmont and Suffern must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Montebello.

2 As per the September 17, 2019 letter from the Rockland County Highway Department, the applicant must consider providing a small section of sidewalk along Route 59 to connect existing sidewalks.

INDIAN ROCK SHOPPING CENTER (M-32JJ)

- 3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of September 30, 2019.
- 4 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.
- 5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 6 All proposed signage shall be indicated on the site plan, and shall conform to the Village's sign standards.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1

Sparaco & Youngblood, PLLC
Town of Ramapo Planning Board
Village of Airmont Planning Board
Village of Suffern Planning Board
Adaptive Architecture
Amy Mele, Esq.

**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.