

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 18, 2019

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: 11/15/2019

Item: *VILLAGE OF MONTEBELLO - AMENDMENTS TO LO AND LO-C ZONING DISTRICTS (M-186)*

A local law to add uses and standards to the Laboratory Office (LO) and Laboratory Office-Campus (LO-C) zoning districts.

The Laboratory Office and Laboratory Office-Campus zoning districts

Reason for Referral:

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

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 minimum number of required parking spaces for Restaurants and Brewpubs in both the LO and LO-C zoning districts is stated as one space per "4 persons, plus 5 spaces additional." It is unclear what "persons" refers to. It could refer to the maximum occupancy of an establishment, the number of seats provided, or some other figure. The Village must clarify how the parking requirement is to be calculated.
- 2 This local law allows a greater number of uses allowed by Special Permit in the LO and LO-C zoning districts. Several of the additional uses are less intensive in their impacts than the existing permitted uses. However, some of the proposed uses, such as Restaurants and Brewpubs, Specialty Supermarkets, and Shopping Centers, may potentially produce greater impacts, particularly with regard to traffic, than the currently allowed uses. The Village must be satisfied that traffic generated by the proposed uses can be accommodated by the local road network. The Village must conduct an impact analysis of potential traffic generation of the proposed uses, or require that traffic studies be submitted during the review process for individual projects.

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3 Several of the proposed uses for the LO-C zoning district are subject to the bulk requirements of Use Group N. The Table of Bulk Requirements indicates the minimum lot area for this use group is "5", with no unit of measurement given. The Village must include a unit of measurement for the minimum lot area for Use Group N.



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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

**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.