



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

November 1, 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:** 10/21/2019

**Item:** *VILLAGE OF MONTEBELLO - PERSONAL HORTICULTURE (M-182)*

A local law to allow and establish requirements for Personal Horticulture as a special permit use in the ER-80, RR-50, R-35, R-25, and R-15 zoning districts.  
The ER-80, RR-50, R-35, R-25, and R-15 zoning districts

**Reason for Referral:**

State and County road, parks, and facilities, County streams, adjacent municipalities

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 title of the local contains a typo. It states that Personal Horticulture is "to be allowed by special permit of the Planning Board in -recreation district..." The title must be corrected to indicate the zoning districts in which Personal Horticulture is allowed.
- 2 Section 195-87.2.B allows a shed for on-site storage of materials and equipment. The Village must clarify if such a shed is considered a principal or accessory structure, and whether it must conform to required yards or setbacks. At a minimum, Personal Horticulture storage sheds must meet all required yards. In addition, this section prohibits the storage of any commercial vehicles or construction equipment. This section must further clarify that all materials stored on-site must be exclusively for Personal Horticulture use.
- 3 The Village must establish a minimum distance from property lines for Personal Horticulture activities. Activities must either meet required yards or setbacks, or the Village must establish minimum buffer requirements.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello

## **VILLAGE OF MONTEBELLO - PERSONAL HORTICULTURE (M-182)**

*\*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.*