



# 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

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

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

June 4, 2019

Ramapo Zoning Board of Appeals  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 57.18-2-92

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

**Map Date:** 2/19/2019

**Date Review Received:** 5/1/2019

**Item:** *SECTORSITE, LLC. & T-MOBILE NORTHEAST, LLC. (R-1494P)*

Variations for front setback, front yard, side setback, rear setback, rear yard and fence height to allow the installation of a public utility wireless communication services facility, consisting of antennas mounted on a monopole camouflaged as a tree, with related equipment in a fenced compound, on 2.287 acres in a PO zoning district. An existing commercial shopping center is located on the parcel.  
Northeast corner of Old Nyack Turnpike and South Main Street

### Reason for Referral:

Old Nyack Turnpike (CR 52), South Main Street (NYS Route 45), Villages of Chestnut Ridge and Spring Valley

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 Wireless communication service facilities are a special permit use subject to Article XII of the Town of Ramapo Zoning Law. The Town must be satisfied that the proposed facility complies with the general conditions of Section 376-120 and the individual standards listed in 376-1214. The special permit application is subject to a review by this department as mandated by the New York State General Municipal Law.
- 2 A review must be completed by the Rockland County Highway Department, and all required permits obtained.
- 3 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

**SECTORSITE, LLC. & T-MOBILE NORTHEAST, LLC. (R-1494P)**

4 The Villages of Chestnut Ridge and Spring Valley are two of the reasons this proposal was referred to this department for review. The Chestnut Ridge municipal boundary is along Old Nyack Turnpike, immediately south of the subject south; the Spring Valley municipal boundary is approximately 245 feet northwest of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Villages of Chestnut Ridge and Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of Chestnut Ridge and Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the visual impact of the proposal.

5 The proposed wireless communication services facility and the existing commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

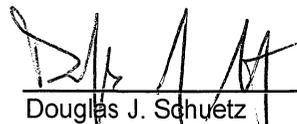
6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Spring Valley Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises

7 It must be specified whether a petroleum tank is proposed for fueling the diesel generator. If so, and the tank has a capacity of more than 1,000 gallons, a review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

8 Section B (Government Approvals) of the Full Environmental Assessment Form shall include the Rockland County Highway Department and New York State Department of Transportation as government entities with permitting authority.

9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Highways  
New York State Department of Transportation

**SECTORSITE, LLC. & T-MOBILE NORTHEAST, LLC. (R-1494P)**

Rockland County Department of Health  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
New York State Department of Environmental Conservation

French & Parrello Associates  
Villages of Chestnut Ridge and Spring Valley

SectorSite, LLC. & T-Mobile Northeast, LLC

Mona Montal, Chief of Staff

*\*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.*

