

**DEPARTMENT OF PLANNING**

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

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

June 8, 2018

Suffern Village Board  
61 Washington Avenue  
Suffern, NY 10901

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 5/9/2018

**Item: VILLAGE OF SUFFERN/LIVE ENTERTAINMENT (SU-359)**

Proposed Local Law amending Chapter 266 of the Code of the Village of Suffern regarding special permits for live entertainment.

Throughout the Village of Suffern

**Reason for Referral:**

State and County roads, parks, streams and 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***

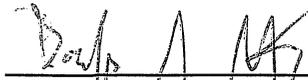
The proposed local law will add a subsection "H" to Section 266-37 entitled Formal Application. The Village Board may waive the Planning Board review requirement, as well as the provisions for a site plan, a long EAF, a special permit application, a GML referral and site plan approval, if the proposal complies with the individual standards for live entertainment contained in Section 266-33(k).

We offer the following recommendations on the proposed local law.

- 1 While Section 266-33(k)(1) and (2) establish parameters for the Building Inspector and Village Board to consider including wholly enclosed structures, type of live entertainment, effect on adjacent residential uses, proximity of residential districts, audibility, sound resistant building features and adequate on-site parking, we recommend that a maximum decibel level be part of the individual standards.
- 2 The heading for the proposed resolution submitted with the GML referral specifies an additional Subsection "F." This must be corrected as elsewhere in the local law a Subsection "H" is proposed.

**VILLAGE OF SUFFERN/LIVE ENTERTAINMENT (SU-359)**

3 The fifth whereas in the proposed resolution must include the New York State Department of Transportation, the New York State Thruway Authority and the Palisades Interstate Park Commission as interested or involved agencies.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern  
New York State Department of Transportation  
Rockland County Department of Highways  
Palisades Interstate Park Commission  
Rockland County Drainage Agency  
New York State Thruway Authority  
  
Town of Ramapo,  
Villages of Airmont, Hillburn and Montebello  
  
Virginia Menschner, Village Clerk

*\*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.*