

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

January 02, 2025

Montebello Zoning Board of Appeals
One Montebello Road
Montebello, NY 10901

Tax Data: 49.17-1-3

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

Map Date: 09/11/2024

Date Review Received: 11/20/2024

Item: *Sternberg - 1 Sheilah Court (GML-24-0325)*

Variance to permit a home occupation to exceed the maximum 500 square footage within a dwelling. A 1,180 SF space is proposed in the basement of a single-family dwelling located on a 1.16 acres in the RR-50 zoning district.

Northwest corner of Sheilah Court and Spook Rock Road

Reason for Referral:

Spook Rock Rd (County Route 85), Town of Ramapo

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 applicant must comply with the comments made by the County of Rockland Sewer District No. 1 in their letter dated December 10, 2024.
- 2 A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 4 The Village shall be assured the home occupation complies with all other requirements of Section 195-82 for home occupations.
- 5 We request the opportunity to review the special permit needed to implement the proposed home occupation, as required by New York State General Municipal Law, Section 239-m (3)(a)(iii).

Sternberg - 1 Sheilah Court (GML-24-0325)

- 6 Pursuant to New York State General Municipal Law (GML) Sections 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's 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.
- 7 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a County permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Health
Rockland County Highway Department
Rockland County Planning Board
Rockland County Sewer District No. 1
Town of Ramapo Planning Board
Anthony R. Celentano PLS

*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.