

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

August 02, 2024

Montebello Planning Board
One Montebello Road
Montebello, NY 10901

Tax Data: 55.10-1-2.1

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

Map Date: 06/27/2024

Date Review Received: 07/01/2024

Item: *The Braemar Assisted Living Facility (GML-24-0093)*

Amendment to a condition of an approved site plan for a 200-bed assisted living facility to allow temporary access using Hemion Road until the access road to NYS Route 59 is complete. The roadway to Route 59 will be constructed over an easement on the adjacent lot 55.10-1-2.2. The 5.95-acre site is located in the R-59DD zoning district.

East side of the Suffern border, approximately 320 feet north of NYS Route 59, approximately 160 feet west of Hemion Road

Reason for Referral:

County Route 93 - Hemion Rd, State Route 59 - Lafayette Av, Ramapo, Suffern

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 shall comply with the comments made by the Rockland County Highway Department in their letter dated July 9, 2024.
- 2 The applicant shall satisfactorily address the concern raised by the Tallman Fire Department in their letter dated July 2, 2024.
- 3 The applicant shall comply with the comments made by the Rockland County Sewer District No. 1 in their letter dated July 12, 2024.
- 4 Our department most recently reviewed a site plan for the Montebello Crossing development in June 2020. At that time, a 200-bed assisted living facility, 10,000 SF medical office building, and a 14,698 SF CVS

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were proposed. The June 26, 2024 memorandum from Colliers Engineering & Design, submitted with this application, indicates that since that proposal was approved, the CVS is no longer planned for the site. Instead, the medical office building is to be increased in size to 55,000 SF. We request the opportunity to review any site plan applications based on this proposed change in uses, as required by New York State General Municipal Law, Section 239-m (3)(a)(iv).

- 5 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.
- 6 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.



Douglas J. Schuetz
Acting Commissioner of Planning

- cc: Mayor Lance Millman, Montebello
 NYS Department of Transportation
 Rockland County Department of Health
 Rockland County Highway Department
 Rockland County Planning Board
 Rockland County Sewer District No. 1
 Tallman Fire District
 Town of Ramapo Planning Board
 Village of Suffern Planning Board
 Brooker Engineering
 Colliers Engineering & Design

*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.