The Planning Board of the Village of Montebello held a meeting on Tuesday, February 8, 2011 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:15 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman
Michael Iatropoulos, Member
Anthony Caridi, Member
Thomas Ternquist, Member
Melanie Golden, Member

OTHERS

Ira Emanuel, Assistant Village Attorney
Robert Geneslaw, Village Planner
Martin Spence, Village Engineer
Gloria Scalisi, Planning & Zoning Clerk

ABSENT
Jane Burke, Member

Member Ternquist made a motion to approve the minutes of January 11, 2011, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Empire Executive Inn, LLC (Crowne Plaza)
Architectural Review
Sign Permit Approval—Cont. Public Hearing

Application of Empire Executive Inn, LLC (Crowne Plaza Hotel) 3 Executive Blvd. Montebello , NY 10901, for Architectural Review of a revised building façade and porte cochere (covered entrance) resulting from the conversion of existing Holiday Inn Hotel to Crowne Plaza Hotel, and Sign Permit Approval relating to replacement monument and gateway signs. The subject property is located on the south side of Executive Blvd, approximately 1500 feet from the intersection of North Airmont Road in the Village of Montebello, which is known and designated on the Town of Ramapo Tax Map as Section 55.07, Block 1 and Lot 5 in a LO Zone.

The Applicant has submitted a request for an adjournment until the April 12, 2011 Planning Board meeting. Member Iatropoulos made a motion to adjourn the Public Hearing on the Application of Empire Executive Inn, LLC (Crowne Plaza) for Architectural Review; lighting and landscaping plan, as per the applicant's request, until the April 12, 2011 meeting of the Planning Board, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Valley National Bank
Site Plan Re-Approval

Application of Valley National Bank, 1720 Route 23, Wayne, New Jersey 07470 for Re-Approval of a Site Plan entitled "Valley National Bank-Montebello", consisting of 1.56 acres located on the west side of Hemion Road approximately 500 feet north of Route 59 in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 5.2 in a PO (formerly VC) Zone.

The Applicant's attorney, Mr. John Costa, was in attendance along with the Applicant's engineer, Mr. John Russo of Lanc & Tully Engineering and Surveying, P.C.

Mr. Costa stated that Valley National Bank would like to re-instate their Site Plan approval. Mr. Costa explained that the economic downturn was the reason that they did not proceed with the Site Plan.

Mr. Robert Geneslaw, Village Planner, read the CDRC minutes of January 25, 2011 (copy attached).

Mr. Geneslaw discussed his memo, dated February 7, 2011 (copy attached).

Mr. Martin Spence. Village Engineer, discussed his memo, dated February 7, 2011 (copy attached).

Mr. Geneslaw clarified a memo from The Rockland County Department of Planning, dated February 8, 2011 (copy attached). Mr. Geneslaw stated that if the Planning Board does not want to accept any of the modifications, the Planning Board will need to override the modification with a majority plus one.
Mr. Geneslaw along with the Planning Board reviewed modifications one through twelve individually. The Planning Board voted to override items three, four, nine and ten. Upon vote, the items were overridden unanimously.

It was established that the balance of the modifications, the Applicant had complied with.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

Resolution PB-03 of 2011
Granting Re-Approval of a Final Site Plan entitled
"Valley National Bank - Montebello"

WHEREAS, an application for re-approval of a Final Site Plan entitled "Valley National Bank - Montebello," consisting of 12 sheets, dated June 15, 2006, and last revised May 20, 2009, has been presented by Valley National Bank; and

WHEREAS, on October 14, 2008, this Board, after reviewing the environmental impacts of the proposed project, issued a negative declaration pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, on October 14, 2008, after a duly noticed public hearing, this Board granted final approval to the proposed site plan, but the applicant did not obtain a building permit within the required eighteen months, whereupon the site plan approval expired; and

WHEREAS, the applicant now seeks re-approval of the previously approved site plan; and

WHEREAS, there are no substantive changes to the site plan from that which this Board had previously approved; and

WHEREAS, because there are no substantive changes from the previously approved plan, and because there have been no significant changes to the area surrounding the subject property since the previous approval, this Board has waived the requirement for a public hearing on the application to re-approve the site plan; and
WHEREAS, on February 8, 2011, the Rockland County Planning Department recommended modifications to the proposed site plan.

NOW, THEREFORE, be it

RESOLVED, that the Final Site Plan presented by Valley National Bank, entitled "Valley National Bank - Montebello," dated June 15, 2006, last revised May 20, 2009, consisting of 12 sheets, affecting premises known as Section 55.10, Block 1, Lot 5.2 on the Tax Map of the Town of Ramapo, be and hereby is re-approved, subject to the following conditions:

1. Rockland County Planning Department conditions as stated in its memorandum dated February 8, 2011, provided, however, that this Board hereby overrides recommended modifications numbered 3, 4, 9 and 10. This is a re-approval of a previously approved site plan with no substantive changes. We override Item 3 because the New York State Department of Transportation lacks jurisdiction over the project and a referral will therefore

have no benefit. We override Item 4 because the required referrals were made during the first review process, no substantive comments were received from adjoining municipalities at that time, and there have been no changes to the project or the surrounding area in the interim. We override Item 9 because the applicant needs to maintain the visibility of the ATM area and parking lot for security purposes. In addition, site distances from the entry drive could be compromised by the landscaping changes proposed by the Department. We override Item 10 because a reduction in lighting at the intersection of the entry and the county road will adversely affect traffic safety. As to items 6, 7, and 8, these items were completed during the initial review and were carried over to this re-approval.

2. The applicant shall comply with items 1, 3a, 3b, and 3c in the letter from the Village Planning Consultant, Robert Geneslaw Co., dated February 7, 2011, but not items 2 and 3d.

3. The applicant shall comply with the memoranda from the Village Engineer, Martin Spence, and P.E., dated February 7, 2011, and November 28, 2008, respectively.

4. All other site plan requirements set forth in the site plan regulations of the Village of Montebello, and all conditions of the Final Approval dated October 14, 2008, to the extent such conditions are still applicable.

MOTION: Member Iatropoulos

SECOND: Member Ternquist

MEMBERS PRESENT:	**YEA or NAY**	
Al Rubin, Chairman	Yea	
Michael Iatropoulos, Member		Yea
Anthony Caridi, Member	Yea	
Thomas Ternquist, Member		Yea
Melanie Golden, Member	Yea	

MEMBER ABSENT:
Jane Burke, Vice Chairman

Upon vote, the Resolution carried unanimously.

Wehman-Bambace—Public Hearing
First 90 Day Final Filing Extension

Application of Gina Wehman, 3 Lake Road, Montebello, New York 10901 and Christine Macnaughton, 1 Lake Road, Montebello, New York 10901, for an Amended Lot Line Change. The subject property is located on the East side of Orchard Street at the intersection with the North side of Lake Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.17, Block 1, Lots 25 & 26 in a R25 Zone. The Applicants received Final Approval on the Amended Lot Line Subdivision on July 13, 2010. The first 90 day extension will expire on April 9, 2011.

At the request of the Applicant, Member Iatropoulos made a motion to approve a first 90 day final filing extension that will expire on April 9, 2010, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Review and Comment on Planning Board to include a 20% surcharge on construction cost estimate for Site Plans in order to conform with subdivision regulations.

Mr. Spence explained that the Subdivision Regulations have a 20% multiplication factor is applied to the cost estimate which is a standard in most municipalities. In reviewing Site-Development Plan Approval there is no provision for the 20% multiplication factor. The 20% provides for changes in inflation, minor errors as well as other changes.

Mr. Emanuel informed the Planning Board that in addition the goal was regularize the Site Plan rules and the Subdivision rules so that they would be effectively similar as applicable.

Member Iatropoulos made a motion to recommend that the Village Board adopt the New Application Forms to the Planning Board, seconded by Member Ternquist. Upon vote, the motion carried unanimously. The Planning Board reviewed and discussed recommending the amendment of Sections 108-2(A), 146-5 and 163-15(B) of the Montebello Code to provide for consistent calculation of cost estimate security deposits. Enclosed is Planning Board Resolution PB-04 of 2011.

RESOLUTION PB-04 OF 2011
RECOMMENDING THE AMENDMENT OF SECTIONS
108-2(A), 146-5, AND 163-15(B) OF THE MONTEBELLO CODE
TO PROVIDE FOR CONSISTENT CALCULATION
OF COST IMPROVEMENT SECURITY DEPOSITS

WHEREAS, Chapter 163 of the Montebello Code is known as the Subdivision Regulations of the Village, and Chapter 146 of the Montebello Code is known as the Site Development Plans Regulations of the Village; and

WHEREAS, pursuant to the authority granted by State law, section 163-15(B) provides for the posting of security to complete improvements on subdivisions and section 146-5 provides for the posting of security to complete improvements on site development plans; and

WHEREAS, the security provisions for subdivisions require the posting of not less than 120% of the estimated cost of secured improvements, the security provisions for site plans require only that the Planning Board may require the posting of security; and

WHEREAS, the Planning Board believes that it is in the interest of the Village to have consistent methods of calculating security postings for improvements whether in site plans or in subdivisions; and

WHEREAS, the Planning Board further believes that the Subdivision Regulations requirement for posting 120% of the estimated cost of improvements provides a necessary and reasonable cushion against cost inflation, under-estimation, and other unforeseen factors; and

WHEREAS, the Planning Board further believes that, in order to maintain future consistency in the event that the security calculation is ever changed in the future, the method of calculation should be included in Chapter 108 (Improvements) of the Montebello Code, with language in the Subdivision and Site Development Plan Regulations, respectively, directing readers to such provision.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby recommends to the Village Board the following changes to effect the foregoing:

1. Section 108-2(A) of the Montebello Code (Improvements) is to be amended as follows:

> A. As an alternative to the installation of infrastructure and improvements prior to the signature of the Planning Board Chairman after Planning Board approval of a site plan or subdivision, as required per the references in § 108-1 of this chapter, security to cover the full cost of same, or to make the site or partial construction secure in the judgment of the Village Engineer, in the event that the project is not completed, as estimated by the Planning Board, or the Village department or Village Engineer as designated by the Planning Board to make such estimate, shall be furnished to the Village by the owner. <u>In no event shall the amount of the security be less than 120% of the estimated cost of such improvements as determined by the Village Engineer.</u>

2. Section 146-5 of the Montebello Code (Site Development Plan Regulations) is to be amended as follows:

> The Planning Board may require financial security for the purpose of securing, stabilizing and restoring a site, to preclude the potential for intrusion, erosion, or the creation of an attractive nuisance. The amount of such security shall be computed in accordance with the requirements of section 108-2(A) of the Montebello Code. Such security, if required, shall be in a form satisfactory to the Village Attorney. Such security shall run to the benefit of the Village of Montebello and shall include a provision that the principal of the security shall comply with all of the terms of the resolution of final plat approval as determined by the Planning Board, and shall include, but not be limited to, the performance of all required on-site and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Village of Montebello free and clear of all liens and encumbrances on said premises.

3. Section 163-15(B) of the Montebello Code (Subdivision Regulations) is to be amended as follows:

> B. Posting of security. The Planning Board in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that as an alternative the applicant may post adequate security at the time of application for final subdivision approval in an amount estimated by the Planning Board as sufficient to secure to the Village the satisfactory construction, installation and dedication of the incomplete portion of required improvements. ~~In no event shall the amount of the security be less than 120% of the estimated cost of such improvements as determined by the Village Engineer.~~ The amount of such security shall be computed in accordance with the requirements of section 108-2(A) of the Montebello Code. Such security shall comply with the requirements of Article 7 of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency and manner of execution as set forth in Article II, § 163-13B(3) of these regulations. The period within which the required improvements must be completed shall be specified by the Planning Board in the resolution approving the final subdivision plat and shall be incorporated in the security agreement.

Note: Deleted language is ~~struck through~~; new language is underscored.

MOTION: Member Iatropoulos

SECOND: Member Ternquist

MEMBERS PRESENT:	**YEA or NAY**	
Al Rubin, Chairman	Yea	
Michael Iatropoulos, Member		Yea
Anthony Caridi, Member	Yea	
Thomas Ternquist, Member		Yea
Melanie Golden, Member	Yea	

MEMBER ABSENT:
Jane Burke, Vice Chairman

Upon vote, the Resolution carried unanimously.

New Business

Member Golden made a motion to adjourn the meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously. The meeting adjourned at 8:10 p.m.

The members of the Planning Board went into a workshop session.

Respectfully submitted:

_____

Gloria Scalisi, Planning & Zoning Clerk

Appendix:

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **January 25, 2011**

Project Name: **VALLEY NATIONAL BANK**

Map Date:

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit_____

Preliminary_____ Final_____ Informal Discussion __√_____ Tree Removal_____ARB_____

Application ready for Board? Yes_____ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

FAILURE TO PAY OUTSTANDING FEES MAY RESULT IN THE DENIAL OF APPLICATION OR REFUSAL TO CONTINUE PROCESSING.

Remarks:

1. John Russo, P.E., has provided engineering info.
2. Martin Spence satisfied – will issue memo.
3. VC notes should be revised to reflect NS zone—post approval, prior to signature. Side setback should be taken from canopy—please check.
4. Updated traffic letter to be confirmed.

Robert Geneslaw Co.

PLANNING AND DEVELOPMENT CONSULTANTS

Robert Geneslaw, AICP

368 New Hempstead Rd. #320
New City, NY 10956
OFFICE (845) 368-1785
FAX (845)368-1787

RECEIVED
FEB - 7 2011
Planning & Zoning Clerk

MEMORANDUM

TO: MONTEBELLO PLANNING BOARD

FROM: ROBERT GENESLAW, AICP

SUBJECT: VALLEY NATIONAL BANK, SITE PLAN: SBL 55.10-1-5.2

DATE: FEBRUARY 7, 2011

C: IRA EMANUEL, ESQ, ASSISTANT VILLAGE ATTORNEY
MARTIN SPENCE, P.E., VILLAGE ENGINEERING CONSULTANT
GLORIA SCALISI, PLANNING BOARD SECRETARY
JOHN COSTA, ESQ., (FOR PROJECT SPONSOR)
JOHN RUSSO, P.E., (FOR PROJECT SPONSOR)
JOHN TOBIN, (FOR PROJECT SPONSOR)

****

This is an application for site plan approval for the referenced project, necessary because the prior site plan approval expired. The physical aspects of the plan have not changed except for minor details required based on agency approvals. Based on the site plan dated rev. May 20, 2009, and items discussed at the CDRC meeting of January 25, 2011, and follow up correspondence, we offer the following comments:

1. The applicant is to confirm that the originally prepared signs were approved by the Planning Board as part of the site plan approval or a separate sign plan approval.

2. After the zoning code was amended to remove the requirement for second floor offices and it became apparent that there was no active development proposal for the abutting parcel to the west, a one page amendment to the traffic impact study was provided by the applicant and accepted by the Planning Board with a request that the traffic impact study report be revised by the inclusion of the one page amendment, so that any future reference to the traffic impact study would include the revised information. That step was not followed. The Board could request that the study report be brought up to date – alternatively, a copy of the revision could be stapled to the study. It is also noted that since the original study was prepared in 2008, any

traffic study for nearby properties would require new data, as the general standard of NYSDOT is not to accept data more than three years old.

3. Based on the plan set dated rev. May 20, 2009:

   a. References to VC District to be changed to PO District, including but not limited to bulk table.

   b. Ownership information to be made consistent with application.

   c. Confirm owner information of adjoining parcels as these may have changed.

   d. Recommend that curbing, gate or fencing or similar be placed at the westerly end of access driveway to prevent unauthorized dumping on adjacent property.

All of these items can be made conditions of approval, at the discretion of the Board.

Spence Engineering
Consulting and Municipal Engineers

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: February 7, 2011

Re: Valley National Bank, Section 55.10 Block 1 Lot 5.2
Hemion Road SE Project 200-33

RECEIVED
FEB - 7 2011
Planning & Zoning Clerk

We have received and reviewed the following:

- Set of Engineering Plans prepared by Lanc and Tully, 12 Sheets, last May 20, 2009 received by the Planning and Zoning Clerk on January 11, 2011

Prior documents on file include:
- Stormwater Pollution Prevention Plan, prepared by Lanc and Tully, last revised July 18, 2008
- Traffic Report prepared by John Collins Engineers, PC dated October 16, 2006 and revision dated June 27, 2008
- EAF, Appendix A
- Project Narrative Summary dated May 5, 2008
- Architectural Plans, 3 Sheets prepared by Stern-Ring Associates, last revised 5/7/08

The plans that have been submitted are consistent with the last revised set of plans that were on file during checklist review. Plans sets and proposed improvements are consistent with prior approved plans with revisions to satisfy other agency requests. The applicant's engineer has provided a narrative describing the revisions.

The plans reference an older set of guidelines for lighting at banking uses, which the applicant prefers to use as compared to the more recent which accepts lower light levels. Testimony at prior hearings requested higher levels due to use and the ATM. Lighting is on timers consistent with prior comments.

The Fire Inspector had previously submitted comments and a November 28, 2008 memo was prepared and shall be included as part of any revised approvals.

Based on a September 12, 2009 correspondence regarding submittals the following remain open:
1. Has RC DOH issued an approval letter regarding the sanitary sewer? Our latest correspondence is dated May 12, 2008 which requests an additional sewer manhole.
2. Status of the proposed drainage easement at NE property corner.
3. Status of road easement for future ingress/egress.
4. RC Highway Department Work Permit and Road Opening Permit required prior to any work.

Check List items and Cost Estimate Forms shall be satisfied by the applicant prior to any signing of the plans.

END OF REPORT
c. John Russo, PE Lanc and Tully, Via Fax 845 294 8609

86 E. Allendale Road Saddle River, NJ 07458
(201) 934-0300 Fax (201) 934-0320 e-mail mkspence@spenceengineer.com

Licensed in New Jersey, New York, Pennsylvania, Maryland and Virginia

COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING
Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

ARLENE R. MILLER
Deputy Commissioner

February 8, 2011

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-5.2

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

Map Date: 5/20/2009 **Date Review Received:** 1/14/2011

Item: ***VALLEY NATIONAL BANK (M-127D)***

Site plan for a 3,697 SF bank with drive-thru facilities on 1.57 acres in a PO zoning district.
West side of Hemion Road, north side of Route 59

Reason for Referral:

Hemion Road, Route 59, Town of Ramapo, Village of 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 Village of Monbello updated its Comprehensive Plan in 2009. One recommendation in the updated Plan was to eliminate the Village Center (VC) zoning designation. In 2010, the Village amended its Zoning Code to effectuate the changes proposed in the Plan including the elimination of the VC zone. This site plan submission still references the VC zoning on the cover sheet (Sheet #1), in the zoning requirements, in the bulk table on the site layout plan (Sheet #3) and in the November 11, 2010 narrative. The site plan drawings and all application materials must be corrected to reflect the Professional Office (PO) zoning designation for this parcel.

2 An updated review of the May 20, 2009 site plan must be completed by the County of Rockland Department of Highways and all required permits obtained from them.

3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

VALLEY NATIONAL BANK (M-127D)

4 The Town of Ramapo and the Village of Suffern are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along Route 59 immediately south of the site. The Suffern municipal boundary is also along Route 59 southwest 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 recently 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 Town of Ramapo and the Village of Suffern 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 Town of Ramapo and the Village of Suffern must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.

5 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

6 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

7 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

8 There shall be no net increase in the peak rate of discharge from the site.

9 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.

10 The Landscaping Plan (Sheet #9) depicts a lawn area along the Hemion Road frontage east of the proposed building. A notation indicates that all open lawn areas are to be aesthetically contoured. It is unclear if this lawn area is raised above or level with the interior driveway. This must be clarified. A raised lawn area or a berm would shield the glare of the headlights of vehicles using this driveway from shining into oncoming traffic traveling south on Hemion Road.

VALLEY NATIONAL BANK (M-127D)

11 All proposed signage shall conform to the Village's sign standards.

12 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

Arlene Miller
Arlene Miller
Deputy Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Lanc & Tully Engineering and Surveying, P.C.
Town of Ramapo, Village of Suffern

John Tobin

**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.