

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 27, 2017

Grand View-on-Hudson Zoning Board of Appeals
118 River Road
Grand View, NY 10960

Tax Data: 71.54-1-18

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

Map Date: 6/1/2017

Date Review Received: 6/30/2017

Item: *CATHERINE ANN SPAGNA - VARIANCES TO ALLOW 2-LOT SUBDIVISION (GV-68C)*

A variance application for minimum adjusted lot area, minimum street frontage, minimum front setback, and maximum floor area ratio to allow a 2-lot subdivision and construction of a new single-family residence on 2.19 acres in the A (R-22) zoning district.

The western side of River Road, approximately 675 feet north of Station Road.

Reason for Referral:

River Road (CR 1), US Route 9W, Town of Orangetown

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:

****Disapprove***

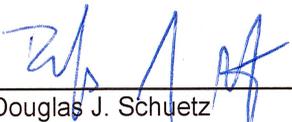
*Disapprove with regard to the lot area variances:

1 It is our understanding that the Village code specifies the minimum lot area of 22,000 s.f. in the A (R-22) zoning district and also requires lot area deductions when steep slopes are present. Lot 1 of the proposed subdivision would include only 15,458 s.f. or 70% of the required lot area and Lot 2 would include only 16,100 s.f. or 73% of the required lot area, once the lot area deductions for steep slopes are applied. If this is the case, it is not advisable for the Village to grant variances for the required lot area since the purpose of the steep slope lot area deductions is to protect lands with this environmental constraint. In addition, allowing undersized lots along a County road could set a precedent and encourage other property owners to make similar requests.

*Recommend the following modifications with regard to the street frontage, front setback and floor area ratio variances:

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- 1 The concerns expressed in the April 5, 2017 letter from the Rockland County Department of Highways must be addressed.
- 2 The proposed site plan indicates that water is supplied by United Water. This must be corrected to SUEZ.
- 3 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is at the edge of the Hudson River, approximately 70 feet east of the subject property line. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed variance application and provide any concerns related to the project to the Village of Grand View-on-Hudson.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Larry Lynn, Grand View-on-Hudson
Rockland County Department of Highways
New York State Department of Transportation

Atzl, Nasher & Zigler, P.C.
Town of Orangetown Zoning Board of Appeals

Rockland County Planning Board Members

**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.