

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 19, 2018

Haverstraw Zoning Board of Appeals
One Rosman Road
Garnerville, NY 10923

Tax Data: 26.09-4-86

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

Map Date: 11/16/2018

Date Review Received: 11/19/2018

Item: *BOLOGNA RESIDENCE - 17 ELM STREET (H-264)*

A variance application to allow the construction of a second floor addition and one-car, attached garage to an existing single-family residence on 0.17 acres in the R-15 zoning district. Variances are requested for lot area, lot width, lot frontage, front yard, side yard, total side yard, rear yard, and building coverage. The western side of Elm Street, approximately 150 feet north of Oak Street.

Reason for Referral:

West Ramapo Road (US Route 202), High Tor State Park

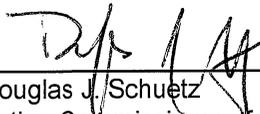
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The lot area is 50% of the required minimum. The lot width and street frontage are 75% of the minimum. The front, side, total side, and rear yards are deficient by 40%, 76%, 52%, and 16%, respectively. Building coverage exceeds the maximum standard by 5%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

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- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 5 The site plan shall contain map notes, including district information, and a vicinity map with a north arrow and scale.
- 6 The project description is for a second story addition and an attached garage. The bulk table indicates that one story is to be provided. The bulk table must be corrected to indicate the proposed number of stories. In addition, the bulk table does not include information regarding existing conditions. In order for the Village to have the most complete information possible, the bulk table must be amended to include a row for existing conditions, as well as proposed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw
Rockland County Department of Health
New York State Department of Transportation
Palisades Interstate Park Commission

Anthony R. Celentano P.L.S.

**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.