

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 6, 2019

Hillburn Zoning Board of Appeals
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.14-1-11

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

Map Date: 6/5/2019

Date Review Received: 7/18/2019

Item: *DANIEL JOHNSON/30 BOULDER AVENUE (Hi-44)*

Variance for floor area ratio to permit the use of a basement as a finished space in an existing single-family dwelling located on 0.16 acres in the R-6 zoning district. Variances for floor area ratio and development coverage were previously granted.

East side of Boulder Avenue, approximately 600 feet north of Sixth Street

Reason for Referral:

NYS Route 17

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 This neighborhood is characterized by similar lot sizes and residential structures. The applicant is seeking a floor area ratio that is 140% greater than permitted. While the granting of this variance may not have an impact on New York State Route 17, our reason for purview, it may set a precedent for other property owners within close proximity to also request similar variances, and thereby change the character of the neighborhood. The Village of Hillburn should evaluate this proposal in context to the surrounding community, and the precedent that could be set.

2 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of July 24, 2019.

DANIEL JOHNSON/30 BOULDER AVENUE (Hi-44)

3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.



Douglas J. Schuez
Acting Commissioner of Planning

cc: Mayor Joseph Tursi, Hillburn
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Gdanski Consultants Inc.

**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.