

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

March 24, 2017

New Square Zoning Board of Appeals
37 Reagan Road
New Square, NY 10977

Tax Data: 42.19-1-60

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

Map Date: 1/25/2017

Date Review Received: 2/9/2017

Item: **66 REAGAN ROAD (SPRING KNOLLS NORTHWEST III) (NS-16A)**

Variances to permit a proposed three-story, eight-unity, multi-family dwelling located in the LDR zoning district on .22 acres. Required variances include minimum front yard clear, side yard clear, parking spaces, and maximum floor area ratio.

Northeast corner of Bush Lane and Reagan Road

Reason for Referral:

Town of Ramapo

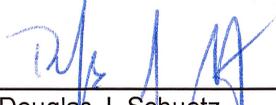
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 330 feet northeast of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Village of New Square.
- 2 The comments in the February 22, 2017 letter from the Rockland County Department of Health must be met.
- 3 A review must be completed by the County of Rockland Sewer District #1, all comments addressed, and required permits obtained.
- 4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

66 REAGAN ROAD (SPRING KNOLLS NORTHWEST III) (NS-16A)

5 Permitting development that does not comply with the applicable use or bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate mixed-use development 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. The building must be reduced in size, and the number of units reduced, so that all of the yard requirements are attainable, sufficient parking can be provided, and the need for the floor area ratio variance is eliminated.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1

Atzl, Scatassa & Zigler P.C.
Town of Ramapo

**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.