

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

April 17, 2017

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

Tax Data: 50.07-2-15.614

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

Map Date: 2/9/2017

Date Review Received: 3/6/2017

Item: *ROSENBLUM/54-56 OSTILLA AVENUE (NS-14A)*

Side yard variance to allow the construction, maintenance and use of an addition to a two-family residence on .1837 acres in an R-2 zoning district. The addition will consist of two residential units, thereby creating a four-family residence.

East side of Ostilla Avenue, approximately 100 feet south of Roosevelt Avenue

Reason for Referral:

Town of Clarkstown

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 Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is approximately 275 feet east 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 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 Clarkstown 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

ROSENBLUM/54-56 OSTILLA AVENUE (NS-14A)

sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 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 increased residential density 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.

3 The applicant must comply with the conditions of the Rockland County Sewer District #1's March 13, 2017 letter.

4 An updated review of the February 9, 2017 site plan must be completed by the Rockland County Health Department. In addition, the applicant must comply with the conditions of the Rockland County Health Department's November 16, 2015 letter.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector or the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7 The driveway access and on-site parking must be indicated on the map. A parking calculation must be included in the bulk table. It must be demonstrated that there is sufficient parking on the site for the proposed use.

8 The bulk table and the application review form specify that the parcel is located in a C-2 zoning district. Our database indicates that it is in an R-2 zoning district. The zoning designation must be clarified.

9 The bulk table does not indicate the use group or the maximum height standard. This information must be provided.

10 A vicinity map with a scale and north arrow must be included on the site plan.

11 The site plan shall contain map notes that list all appropriate information, including the district details.

12 A north arrow must be provided on the site plan.

13 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

14 If a site plan approval is required for this proposal, that application is subject to a review by this Department, as mandated by the New York State General Municipal Law.

ROSENBLUM/54-56 OSTILLA AVENUE (NS-14A)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston Fire District

Anthony R. Celentano P.L.S.
Town of Clarkstown
Shloma Rosenblum

Jacob Einhorn

**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.

