



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 21, 2019

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

Tax Data: 42.19-3-69

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

Map Date: 6/28/2019

Date Review Received: 7/31/2019

Item: *THE GLUCK RESIDENCE - 46 SLAVITA ROAD (NS-12N)*

A variance application to allow the construction of an attached, two-family dwelling on Lot 1 of a two-lot subdivision of a 0.20-acre parcel in the LDR zoning district. Variances were previously granted for lot area and lot width for both lots, and for a side yard variance for lot 2 to allow the construction of an attached three-family dwelling. Variances are now requested for lot area, lot width, and side yard. The eastern side of Slavita Road, approximately 200 feet south of Fastov Avenue

Reason for Referral:

North Main Street (NYS Route 45), Village of New Hempstead, 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 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 only has 53% of the required lot area and width. The proposed structure requires a side yard of zero feet, with only 80% of the required yard provided on the other side. 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.

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2 The Town of Ramapo and the Village of New Hempstead are two of the reasons this proposal was referred to this department for review. The Ramapo boundary is approximately 250 feet north and 275 feet east of the parcel. The New Hempstead boundary is approximately 480 feet west of the parcel. 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 Ramapo and the Village of New Hempstead 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 sewer service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

4 As per the August 9, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater system for compliance with the County Mosquito Code.

5 The applicant must comply with all comments made by the Hillcrest Fire Company No. 1 in their letter of June 21, 2019.

6 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of August 5, 2019.

7 The bulk table for lot 1 indicates that a side yard of 10 feet and a clear side yard of 8 feet are provided. The proposed structure is attached to the structure on lot 2. The proposed side yard is zero feet. The bulk table must be corrected.

8 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

9 Vehicles entering and exiting the site will need to access both lots in order to maneuver into and out of parking spaces. The site plan must be amended to include an access easement for both lots. This easement must be recorded in the deeds for both lots.

10 The parking area on lot 2 varies from the previous application submitted to this department for review. The site plan indicates that the proposed front deck for lot 2 encroaches upon parking space 3. In addition, the proposed front deck for lot 1 reduces the proposed walkway to a width of two feet. The decks must be reduced in size so that they do not encroach upon the parking space and allow a walkway of a minimum of four feet.

11 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.

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12 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

13 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Anthony R. Celentano P.E.
Town of Ramapo Planning Board
Village New Hempstead Planning Board

**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.

