COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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June 17, 2014

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.14-3-38

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

Map Date: 3/20/2014 **Date Review Received:** 5/15/2014

Item: ***MICHAEL & JANE MURPHY (O-2106A)***

Variances to permit additions to an existing dwelling on .49 acres in the R-15 zoning district, with greater than permitted floor area ratio and building height, and less than the required front yard, side yard, and total side yard. In addition, variances are required for the following reasons: 1) no significant exterior change within the past 10 years so as to create an additional dwelling; 2) only one front entrance permitted where two are proposed; and 3) only 600 sq. ft. permitted for an accessory dwelling, and 806 sq. ft. is proposed.

East side of Buchanan Street, approximately 20 feet south of Van Buren Street

Reason for Referral:

Pascack Brook, 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 We are concerned with the precedent that could be set if several of the variances are granted, particularly as they relate to the single-family conversion. This neighborhood consists predominantly of single-family dwellings. Granting variances that will increase the intensity of use, could not only change the character of the neighborhood, but increase run-off and affect the floodplain of the Pascack Brook. The Zoning Board of Appeals must assess whether granting the floor area ratio, exterior change, more than one front entrance, and square footage of the accessory unit will impact the drainage and community character.

2 With regard to the variances for front yard, side yard, total side yard, and building height, we remand these matters for local determination.

MICHAEL & JANE MURPHY (O-2106A)

3 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

3.1 It appears that a trampoline, fence, and shed are located significantly over the property line and onto the adjacent parcel to the south. As a condition of the variances, the owner should be required to resolve these encroachments, and relocate all onto their own property.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Drainage Agency
Rockland County Department of Health
Robert E. Sorace, PLS
LMD Design

**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.