Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 2017

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

Tax Data: 74.14-2-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/22/2017 **Date Review Received:** 9/27/2017

Item: ***LIGIA JARA - ADDITIONAL UNIT TO SFR (O-2338)***

A variance application for maximum Floor Area Ratio and conversion requirements, to allow the creation of an additional unit in an existing single-family residence on 0.41 acres in the R-15 zoning district.
The southern side of Heather Lane, approximately 520 feet east of Independence Avenue.

Reason for Referral:

Palisades Interstate Parkway, Western Highway (CR 15)

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 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

2 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 Floor Area Ratio exceeds the maximum limit by 40%. Additionally, the square footage of the additional unit exceeds the maximum limit of 600 square feet by 107%. 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 Town must consider the cumulative and regional impacts of permitting such development.

3 The site plan provided is not to an established scale. A correctly scaled site plan must be provided. The site plan shall also contain map notes, including district information, and a vicinity map, with a north arrow and scale.

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4 Section 4.55 of the Town of Orangetown's zoning regulations states that three parking spaces shall be provided for a single-family conversion. These spaces must be provided in a manner that meets all of the Town's requirements for size, location and accessibility, and must be shown on the site plan.

5 As per the October 3, 2017 letter from the Rockland County Health Department, an application must be made to them for review of the stormwater management system for compliance with the County Mosquito Code, should the Board require a system to remediate the increase in impervious surfaces.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Palisades Interstate Park Commission

Gustavo Jara, RA LEED AP

**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.