

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

August 24, 2017

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

Tax Data: 69.12-1-1.1

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

Map Date: 6/5/2017

Date Review Received: 7/19/2017

Item: *EUGENE WHITE - STORAGE BARN (O-1872C)*

A variance application to allow the construction of a two-story storage barn, and keep an existing shed, for an existing single-family residence on 1.20 acres in the R-80 zoning district. Required variances include: floor area ratio; front yard, side yard; maximum building height; and a gravel driveway instead of an asphalt driveway.

The southern corner of the intersection of Sickletown Road and Fifth Avenue.

Reason for Referral:

Palisades Interstate Parkway, Sickletown Road (CR 23)

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 application proposes decreasing the minimum front yard by 44%, decreasing the minimum side yard by 33% for the barn construction, decreasing the minimum side yard by 84% to retain the shed, and increasing the maximum height by 288%. 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.

It should be noted that this property was the result of a subdivision and variance application (ZBA #97-104) which allowed the creation of an undersized lot. The fact that the lot is undersized for its zoning district must be considered a self-created hardship.

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- 2 The applicant has not provided information regarding the intended use of the barn. The proposed structure has two stories, a footprint of 1,820 square feet, and will increase the site's FAR by 46%. Given its size, its location along a county roadway, its direct access to the roadway, and its distance and separation between it and the residence, the County has an interest in knowing what type of activity for which the structure will be used. Commercial uses, a secondary dwelling, or other uses may have significant impacts on County interests. The applicant must provide additional information as to the intended use of the structure.
- 3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 5 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 7 There shall be no net increase in stormwater runoff from the site.
- 8 The site plan shall contain map notes, including district information. The vicinity map must have a scale noted.



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

Jay A. Greenwell, PLS, LLC

**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.