



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

November 13, 2019

Orangetown Zoning Board of Appeals

21 Greenbush Road

Orangeburg, NY 10962

Tax Data: 68.12-1-38

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

Map Date: 10/8/2019

Date Review Received: 10/24/2019

Item: *WILLIAM LENOX/ 47 WEST CARROLL STREET (O-2391)*

Variations to permit the construction of an extension off the rear of the existing single-family dwelling located on 0.25 acres in the RG zoning district. The variations requested include floor area ratio, side yard, and building height. Variations for front yard, side yard, and building height have previously been granted.

North side of West Carroll Street, approximately 300 feet east of Railroad Avenue

Reason for Referral:

NYS Route 304

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 County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

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 side yard is only 50% of the required bulk standard. The building height is exceeded by 39%. A variance to permit a front yard that is only 32% of the standard has already been granted. 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 Town must consider the cumulative and regional impacts of permitting such development.

WILLIAM LENOX/ 47 WEST CARROLL STREET (O-2391)

3 The minutes from ZBA #13-29, dated May 15, 2013 state that a front yard variance for the existing 10 feet and 8 feet dimensions were granted. However, the Plot Plan prepared by Robert Hoene RA, last revised October 8, 2019, shows a front yard measurement of 13.8 feet to the garage and 11.8 feet to the porch. The Land Survey prepared by Robert E. Sorace, PLS, last revised September 6, 2019, shows a front yard measurement of 13.8 feet to the garage and 13.8 feet to the porch. It must be clarified what the correct dimensions of the front yard are and why the variances granted differ from what exists.

4 The bulk table states the existing front yard is 36 feet, and that a variance is required for this. As mentioned above, the measurements for the front yard must be clarified and corrected. If a variance is also required for the front yard, we request the opportunity to review it, as required by New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
New York State Department of Transportation

Robert Hoene RA
Robert E. Sorace, PLS

William Lennox

**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.