



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

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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:** 71.05-1-26

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

**Map Date:** 10/17/2019

**Date Review Received:** 10/24/2019

**Item:** *SMITH KRIZ PLANS (O-2377A)*

Variations to permit additions and alterations to an existing single-family dwelling located on 0.43 acres in the R-22 zoning district and Critical Environmental Area. The modifications include dry set terraces, a two-story addition and basement, extending the gravel driveway, and enclosing the existing porch. The variations required include side yard, floor area ratio, and unroofed steps or terrace greater than 16 SF and projecting more than four feet from the exterior wall of a building.

Land-locked parcel situated approximately 225 feet south of Old Mountain Road and 329 feet east of South Boulevard

### **Reason for Referral:**

Old Mountain Road & South Boulevard (CR 28), Blauvelt State Park

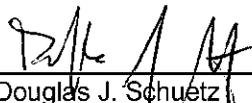
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

### ***\*Recommend the following modifications***

- 1 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of October 29, 2019.
- 2 As indicated in the June 10, 2019 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 3 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.

**SMITH KRIZ PLANS (O-2377A)**

- 4 The bulk tables provided on the site plan prepared by Jeffrey Hall Architect, P.C. and the property survey prepared by Robert E. Sorace, PLS contain inconsistencies that must be addressed. The bulk table on the site plan states the proposed floor area ratio is 0.20, the proposed rear yard is 162.2 feet, and the existing side yard is 16 feet. The bulk table on the property survey states the proposed floor area ratio is 0.21, the proposed rear yard is 164.1 feet, and the existing side yard is 16.1 feet. It is difficult to assess the proposal with inconsistent measurements. The correct values for these measurements must be clarified and updated on the respective bulk tables. If the floor area ratio of 0.20 is correct, a variance is not needed for this bulk requirement. In addition, if the public hearing notice was issued with the incorrect measurements, it must be reissued with the correct information.
- 5 Clear notation must be placed on both bulk tables provided stating that variances are required for floor area ratio and side yard. In addition, a note must be provided indicating the other needed variances for obstruction in the required yards, including the unroofed terrace and stairs that are greater than 16 SF and extend farther than feet from the exterior wall of the building.
- 6 The letter from the Building Inspector states the required side yard is 20 feet. This should be corrected to indicate a required side yard of 25 feet for a single-family detached dwelling in the R-22 zoning district.
- 7 The site plan shall include map notes that list all appropriate information, including the district details. It is likely this information is on sheet T-2.1, which our department has not received.
- 8 A vicinity map that contains a north arrow and scale must be provided on the site plan.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Health  
Rockland County Department of Highways  
New York State Department of Environmental Conservation  
Palisades Interstate Park Commission  
  
Jeffrey Hall Architect, P.C.  
Robert E. Sorace, PLS

*\*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.*