



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive
January 17, 2014

THOMAS B. VANDERBEEK, P.E.
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 33.11-1-3

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

Map Date: 12/12/2013

Date Review Received: 12/20/2013

Item: *CHRISTOPHER MEREDITH LANDSCAPING, INC. (R-2268A)*

Use variance to allow the expansion of a non-conforming use (contractor's storage yard) on a 2.2785-acre parcel in an RR-80 zoning district. A 20' x 20' addition to an existing multi-car garage is proposed. The garage building contains a residential apartment. A single-family residence and a one-story office are also located on the site.

East side of Route 45, 370 feet south of South Mountain Road

Reason for Referral:

NYS Route 45, Rockland County Open Space (Orchards of Conklin), Rockland County Sewer District # 1 Pump Station

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***

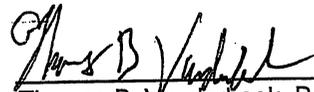
1 An applicant must prove unnecessary hardship in order for a use variance to be granted. The Otto test requires the demonstration of the following:

- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

The application materials submitted do not demonstrate unnecessary hardship. The Town must be satisfied that all of the criteria for granting a use variance have been met. They must also consider if any additional conditions must be imposed.

CHRISTOPHER MEREDITH LANDSCAPING, INC. (R-2268A)

- 2 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 3 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 4 A review must be completed by the County of Rockland Sewer District #1 and any required permits obtained.
- 5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 6 Map Note # 13 states that the septic and well location are as per owner. While the septic and leach field are indicated on the plot plan, the well is not. The location of the existing well must be indicated on the map.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Division of Environmental Resources
Rockland County Sewer District #1
Rockland County Department of Health
Atzl, Scatassa | Zigler P.C.

Christopher Meredith

**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.