



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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January 22, 2015

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

**Tax Data:** 50.10-5-1

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

**Map Date:** 11/12/2014

**Date Review Received:** 12/23/2014

**Item:** *JOSUE THOMAS (R-2163A)*

Variances for lot area, front setback (Williams Avenue), front yard (Williams Avenue), side setback and rear setback to allow the conversion of a single-family dwelling to a two-family dwelling. The .406 acre site is in an R-15 zoning district. The property is currently in violation as a three-family dwelling. Southeast corner of Williams Avenue and Hempstead Road

**Reason for Referral:**

Village of New Hempstead

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 In June of 2007, this department recommended disapproval of a use variance application to allow this single-family residence to be converted to a three-family residence. The Town did not grant the use variance. However, the property owner illegally converted the residential structure to a three-family dwelling. The notice of violations for this property include additions of kitchens and bathrooms without approvals or permits; open junction boxes and open wiring splices; multi-plug adapters with extension cords; missing carbon monoxide detectors; bedroom egress through intervening spaces; missing smoke detectors; minimum area required for sleeping spaces; and combustible materials stored near heating and hot water systems. The number and extent of the violations listed are a clear indication of an unsafe residential environment. As noted in the Violation Notice, the property must be restored to its original construction in conformance with the Certificate of Occupancy. The numerous fire hazards must be removed and corrected.

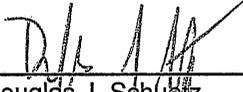
**JOSUE THOMAS (R-2163A)**

2. The Village of New Hempstead is the reason this proposal was referred to this department for review. The municipal boundary is along Hempstead Road immediately west of the site. This area of the Village is zoned 2R-15 which is similar to the Town's R-15 zone. One- and two-family residences are also permitted as-of-right in the 2R-15 zone. However, the neighborhood along Hempstead Road is characterized by single-family dwellings, many of which are on oversized parcels. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of New Hempstead must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3. 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 ability of the existing infrastructure to accommodate increased residential density on undersized lots 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.

4. The residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Anthony R. Celentano P.E.  
Village of New Hempstead  
New York State Department of State,  
Division of Code Enforcement and Administration  
Josue Thomas

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

**JOSUE THOMAS (R-2163A)**

*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.*

