

**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 21, 2017

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

**Tax Data:** 41.18-2-8

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

**Map Date:** 9/1/2016

**Date Review Received:** 7/20/2017

**Item:** *BRYNDIE FOGEL - DRIVEWAY AND DECK FOR SINGLE-FAMILY RESIDENCE (R-2611)*

A variance application to allow the construction of a second-story deck for an existing single-family residence on 0.46 acres in the R-35 zoning district.

The northern side of Orchard Hill Drive, approximately 235 feet west of Forshay Road.

**Reason for Referral:**

Village of Wesley Hills, Forshay Road (CR 81)

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:

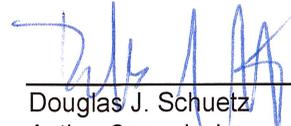
***\*Recommend the following modifications***

- 1 The site plan and application state that the property is located in R-40 zoning district. According to the Ramapo Zoning Map, the property is located in the R-35 zoning district. All application materials and the bulk table must be corrected to reflect the correct zoning district. The Town must also review the public hearing notice and, if incorrect, reissue a corrected version.
- 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 applicant is proposing a reduction of the side and total side setbacks to 67% and 83% of what is required, respectively. 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.
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.

**BRYNDIE FOGEL - DRIVEWAY AND DECK FOR SINGLE-FAMILY RESIDENCE (R-2611)**

4 The site plan shall contain map notes, including district information.

5 The Village of Wesley Hills is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the northern property line. As required under Section 239nn of the State General Municipal Law, the Village of Wesley Hills must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.



---

Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo  
Rockland County Department of Highways  
New York State Department of State  
  
Anthony R. Celentano P.L.S.  
Village of Wesley Hills Zoning Board

*\*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.*