Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 10, 2017

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data:

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

Date Review Received: 10/13/2017

Item: ***TOWN OF RAMAPO/R-15A MORATORIUM LAW (R-2619)***

Proposed Local Law amending the Zoning Law of the Town of Ramapo to establish interim zoning provisions pending the consideration, public hearing and adoption of revisions with respect to the R-15A zoning district.
Throughout the R-15A zoning district

Reason for Referral:

State and County roads, parks, streams and facilities, and adjacent municipalities

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 Given the number of ZBA applications in the R15A zoning district, we believe this moratorium is timely. The Town Board must evaluate the development pattern in its R-15A zoning districts, and the current bulk requirements. It is our opinion that the existing R-15A bulk standards are reasonable. We caution the Town against simply relaxing these standards further to accommodate denser residential development. The ability of the existing infrastructure to accommodate increased residential density on undersized and non-conforming 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. In addition, the Town must evaluate the effect of any bulk standard revisions on the community character of less dense neighborhoods in adjacent municipalities, as well as the lower density zoning districts within the Town.

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2 The proposed Local Law to establish a Moratorium Law for the R-15A zoning district does not address applications currently in the pipeline. Is a sketch plat for a minor subdivision that has been before the Community Design Review Committee exempt from the moratorium? If the sketch plat requires variances and has been referred to the ZBA, is it subject to the moratorium? Are final subdivision applications yet to be heard by the Planning Board exempt? Are applications for variances yet to be heard by the Zoning Board of Appeals exempt? Criteria must be established that define the time frame for applications that have already begun the development process.

3 Section 3.A. specifies the type of building permit applications that will not be accepted during the moratorium. We note that detached one-family and semi-attached one-family dwellings that do not contain an accessory apartment are not listed. It is unclear why these residential uses are not included. Clarification must be provided.

4 Administrative relief from the moratorium must only be permitted in very limited circumstances. We recommend that specific criteria be established for this relief. In our experience with subdivision and ZBA applications in the R-15A zoning district, there is often a narrative arguing that the applicant is subject to an unusual hardship and/or the proposal is consistent with the health, safety and general welfare of the Town. In many cases, little or no documentation is submitted to make the case for allowing the exception.

5 The first paragraph of Section 4 must specify that the Town Board shall have the power to vary or modify the application of any provision of this Local Law.

6 Any Zoning Code amendments proposed as a result of this moratorium are subject to a review by this Department, as mandated by the New York State General Municipal Law.

7 Any Comprehensive Plan updates proposed as a result of this moratorium are subject to a review by this Department, as mandated by the New York State General Municipal Law.

8 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

9 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
New York State Department of Transportation
Rockland County Department of Highways

Alan Berman, Deputy Town Attorney

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

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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.