

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 3, 2018

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

**Tax Data:** 56.06-2-73

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

**Map Date:** 7/12/2018

**Date Review Received:** 8/8/2018

**Item:** *HIGHVIEW CORNER, LLC/25 HIGHVIEW ROAD (R-2659)*

Variances to permit a two-lot subdivision of .8262 acres in an R-25 zoning district. An existing single family residence will remain on Lot 1. A new single family residence is proposed on Lot 2. A 2,417 SF strip of land along Remsen Ave will be purchased from the Town of Ramapo to add to the land area of Lot 2. Lot area, side setback and total side setback variances will be required for Lot 1. Lot 2 will need variances for lot area, side setback and floor area ratio.

Southwest corner of Highview Road and Remsen Avenue

**Reason for Referral:**

Highview Road (CR 64)

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 A review must be completed by the Rockland County Highway Department, and all required permits obtained.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 5 The net lot area shown for each parcel on the site plan does not coincide with what is indicated on the bulk table, or in the lot area calculations. All application materials must be consistent. The net lot area for each proposed parcel must be clarified.

**HIGHVIEW CORNER, LLC/25 HIGHVIEW ROAD (R-2659)**

6 Given that a minimum lot area variance of almost 39 percent is required for Lot 2, the building footprint must be reduced so that the floor area ratio standard is achieved.

7 General Note 3 specifies that the property is in an R-15 zoning district. This is incorrect. The R-25 zoning designation must be indicated in the notes.

8 The Legend includes symbols that are not displayed on the site plan. These symbols must be removed.

9 The June 18, 2018 CDRC comments from the Building Department do not specify that a floor area ratio variance is required for Lot 2. All application materials must be consistent. The need for a floor area ratio variance must be confirmed. The public hearing notice will have to be reissued if it did not contain all required variances.

10 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.

11 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
Civil Tec Engineering & Surveying P.C.

Mendel Flohr

Mona Montal, Chief of Staff

*\*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.*

**HIGHVIEW CORNER, LLC/25 HIGHVIEW ROAD (R-2659)**

*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.*

