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 7, 2018

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: 10/11/2018

Item: ***LOCAL LAW REGARDING SALE OF SECONDARY DWELLING UNITS (R-2663)***

Local Law to amend the Zoning Law to remove price restrictions with regard to the sale of secondary dwelling units.
Throughout the R-15A and R-15C residential zoning districts

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 Section 2 of the proposed local law must be corrected to reference Section 376-68 of the Zoning Law.

2 In 2012, this department issued comments on the proposed local law amending Local Law No. 10-2004 (Zoning Law) with respect to accessory apartments which are permitted in the R-15A and R-15C zoning districts to meet the region's need for affordable rental housing. As originally envisioned in the Town of Ramapo's Comprehensive Plan, accessory apartments were to provide additional low- and moderate-income rental housing options for single persons, young families and the elderly while helping to defray the mortgage payments and/or maintenance expenses of the homeowner. In 2012, the Town determined that there was also a need for affordable housing for purchase. To meet this need, accessory apartments were to be eligible for issuance of a certificate of occupancy as an individual dwelling unit, and available for sale subject to a covenant regulating the sale price so that the dwelling unit remained affordable. It is unclear how the secondary dwelling unit price restrictions have hampered the ability of prospective purchasers to obtain mortgage financing. Given the stated intention to regulate the sale price to maintain affordability, it is unclear how the Town will meet its professed goal of providing a range of affordable housing options for its residents if the sale price restrictions are eliminated. Additional information must be provided about the mortgage financing difficulties.

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3 The supplementary regulations contained in Sections 376-68.A.(5) through (8), and Section 376-68.B. address the sale and resale of secondary dwelling units. As noted above, the intent of the regulations was to maintain the affordability of these residential options for a specific term. The proposed local law will eliminate these sections. This must be specifically stated.

4 It must be clarified whether secondary units are synonymous with accessory units. Section 376-68.A.(2) implies so. If that is the case, does this local law only apply to the R-15A and R-15C zoning districts where accessory units are permitted? This must be specifically stated.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Transportation
Rockland County Department of Highways
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Sewer District #1

Clarkstown, Haverstraw
Airmont, Chestnut Ridge, Kaser, Hillburn,
Montebello, New Hempstead, New Square,
Sloatsburg, Spring Valley, Suffern, Wesley Hills
Alan Berman, Deputy Town Attorney

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.

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.