



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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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:** *TOWN OF RAMAPO MORATORIUM LAW (R-2665)*

Local Law establishing interim zoning provisions pending consideration, public hearing and adoption of revisions with respect to multifamily dwellings.

Throughout the Town of Ramapo

### 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 The transmittal letter and GML referral form reference revisions with respect to multifamily dwellings. The draft local law does not mention multifamily dwellings. It states that its purpose is "to suspend temporarily any and all new applications for CDRC Review, Planning Board and Zoning Board approvals within the Town while the Town Board considers and adopts possible changes to the use, bulk and other requirements." Clarification must be provided. If this moratorium law only affects multifamily uses, this must be specifically stated. Since multifamily uses are permitted in a limited number of zoning districts, this information must also be specified.

2 Section 2 (Legislative Intent) goes on to state that the local law is "an interim measure intended to preserve the status quo pending the adoption of possible relevant amended regulations regarding applicable requirements." We consider this language to be vague. The Town Administration has advised this department of their intention to update the Town's Comprehensive Plan. Is this moratorium law the first step in that process? Will the Comprehensive Plan be updated in its entirety, or focus only on more localized areas? Is the Town planning on concentrating on individual land use issues, or broader issues impacting the entire town? Evaluating only multifamily dwellings without considering all residential uses is a very narrow focus. This is especially true in zoning districts that permit a range of housing types and densities. An explanation must be provided as to what will be accomplished during the moratorium.

**TOWN OF RAMAPO MORATORIUM LAW (R-2665)**

3 The initial three-month time frame for the moratorium is very brief, as is the additional three months proposed. No information is provided about the analysis to be undertaken to consider revisions to the use, bulk and other requirements. The local law must clarify how the Town Board will arrive at these revisions.

4 Administrative Relief is addressed in Section 4. Very specific reasons must be listed for the Town Board to vary or modify the application of the moratorium law. As written, this section is very vague as to what constitutes an unusual hardship. Clarification must be provided.

  
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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 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, First 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.*