



# 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:** *TOWN OF RAMAPO - SITE PLAN APPROVALS & EXTENSIONS (R-2664)*

Local Law to amend the Zoning Law to establish provisions regarding extensions of site plan approvals, and extensions of the time period of the validity of a site plan approval.

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:

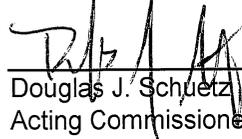
#### ***\*Recommend the following modifications***

1 Section 376-96.A. must include specific examples of acceptable reasons for an extension of site plan approval. Adjacent property owners must be aware of what constitutes circumstances warranting an extension. The Rockland County Planning Department is very concerned with the allowance of granting extensions without providing a justifiable reason. This department is aware of several sites for which final site plan approval is pending but clearing, grading and construction has already begun. A denuded site or a partially constructed project can lead to stormwater runoff issues that negatively affect adjacent properties. The Town must consider whether this extension provision will result in unwarranted delays by developers if a very specific list of criteria is not established.

2 This department is not in favor of waiving the public hearing requirement for the proposed one-year extension, or the additional extension of one year. The public must be allowed to weigh in on these applications. Just as circumstances change that result in an applicant seeking an extension, community circumstances may change that must be considered before granting an extension of site plan approval. New developments may increase traffic congestion or affect other infrastructure capacity. Members of the public who live and work in the vicinity have first hand experience with such changes and must be heard.

**TOWN OF RAMAPO - SITE PLAN APPROVALS & EXTENSIONS (R-2664)**

3 Section 3 proposes to change the validity of a signed site plan from 18 months to 24 months. While this six month extension is not exceptional on its own, the aforementioned extensions can result in an effective extension of 30 months over the current regulations. This is excessive. The length of the site plan approval extensions must be reduced.

  
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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 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, 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.*