



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

October 8, 2019

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

**Tax Data:** 49.06-1-14

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

**Map Date:** 9/6/2019

**Date Review Received:** 9/11/2019

**Item:** *BETH MEDRASH OHR CHAIM (R-2700)*

Variations for front setback and front yard to permit an addition to an existing single-family dwelling located on 1.4 acres in the R-50 zoning district.  
West side of Forshay Road, opposite Lodi Lane

### Reason for Referral:

Forshay Road (CR 81), Viola Road (CR 74)

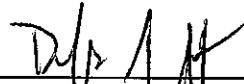
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

### *\*Recommend the following modifications*

- 1 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 2 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.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 4 The proposed addition must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 We are unclear as to why the front yard was measured to the street when the front setback was measured to the Designated Street Line (DSL), as shown on the site plan. If both measurements are to be made from the DSL, a new front yard measurement will be required, and a greater variance will be needed. We request the opportunity to review said variance, should it be required, as mandated by New York State General Municipal Law.

**BETH MEDRASH OHR CHAIM (R-2700)**

- 6 Map Note #7 must be revised to reference Section 239 L & M of the General Municipal Law since this is an application for a site plan not a subdivision.
- 7 Map Note #26 references variances granted for 28 Eckerson Lane that are shown in the bulk table. As this application is for 11 Forshay Road, an unrelated property, this note does not apply and should be removed from the site plan, or corrected for the appropriate parcel.
- 8 The net lot area, development coverage, and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 9 The site plan does not contain a north arrow (only the vicinity map does). This must be added to the site plan.
- 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 Health  
Rockland County Department of Highways  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Civil Tec Engineering & Surveying PC

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.*

**BETH MEDRASH OHR CHAIM (R-2700)**

*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.*

