Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 9, 2019

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

Tax Data: 41.18-3-44

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/24/2019 **Date Review Received:** 5/31/2019

Item: ***REFOEL & DIANA NEWHOUSE (R-908A)***

Variances to permit the construction of a single family dwelling with an inground pool on 0.46 acres in the R-35 zoning district. The variances requested include side setback and total side setback.

West side of Lyncrest Drive, approximately 100 feet southwest of Macintosh Lane

Reason for Referral:

Forshay Road (CR 81)

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 applicant must comply with all comments made by the Rockland County Highway Department in their letter of June 10, 2019 and all required permits must also be obtained.

2 The actual proposed height must be indicated on the bulk table, rather than "<35"". The bulk table shall not include estimations.

3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

4 A review must be completed by the County of Rockland Sewer District #1 and any required permits obtained.

5 The site plan shall include map notes that list all appropriate information, including the district details.

REFOEL & DIANA NEWHOUSE (R-908A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health

Anthony R. Celentano P.E.

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.