

**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*

March 2, 2020

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

**Tax Data:** 41.19-4-2

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 9/20/2019

**Date Review Received:** 1/30/2020

**Item:** *HOWARD & GWEN MESSING/3 MARINER WAY (R-1835L)*

Variations for lot width, rear yard and deck rear setback to permit the enlargement of an existing deck for a single-family dwelling on .3695 acres in an R-40A zoning district.  
South side of Mariner Way, approximately 100 feet west of Route 306

**Reason for Referral:**

NYS Route 306, Village of New Hempstead

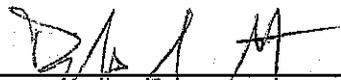
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

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

- 1 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 145 feet east of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of New Hempstead must be given the opportunity to review the required variances and provide any concerns related to the project to the Town of Ramapo.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 The application materials indicate that an existing deck is to be enlarged. We note that a two-story addition is proposed on the west side of the residential structure. It is labeled as a garage. This addition must be included in the project description and all application materials. The purpose of the second story must be specified. It is unclear how the development coverage or floor area ratio are not affected by the addition of this structure. Clarification must be provided.
- 4 The lot width is deficient, according to the bulk table, but it is not listed as a required variance in any of the application materials or the Town of Ramapo Building Department's January 21, 2020 denial letter. The need for a lot width variance must be clarified. The public hearing notice will have to be reissued if it did not contain all required variances.

**HOWARD & GWEN MESSING/3 MARINER WAY (R-1835L)**

- 5 The provided lot width, rear yard and rear setback deck measurements are each marked with a double asterisk indicating that they are existing conditions. The 20.3" rear setback deck is measured to the enlarged deck and is, therefore, a new condition. The bulk table must be revised accordingly.
- 6 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 7 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
- 8 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.
- 9 A vicinity map shall be provided on the site plan. It must include a scale and a north arrow.
- 10 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.
- 11 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.
- 12 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.

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
New York State Department of Transportation  
Rockland County Department of Health

Village of New Hempstead

Howard & Glen Messing

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.*

**HOWARD & GWEN MESSING/3 MARINER WAY (R-1835L)**

*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.*