

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
Acting Commissioner

**Arlene R. Miller**  
Deputy Commissioner

March 17, 2020

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

**Tax Data:** 56.16-2-14.10

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 1/2/2020

**Date Review Received:** 2/10/2020

**Item:** *WOLF WINKLER (R-2265J)*

Variances to permit the conversion of a single-family dwelling to a single-family dwelling with an accessory apartment located on 0.23 acres in the R-15A zoning district. The variances required include side yard, accessory door in the front of the building, and size of the accessory apartment.

East side of Hammond Street, approximately 227 feet north of Old Nyack Turnpike

**Reason for Referral:**

Old Nyack Turnpike (CR 52)

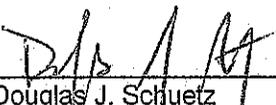
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*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 completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The side yard is 86% deficient in meeting the bulk requirement. The proposed accessory apartment is 44% greater than the 1,500 SF that is permitted. The ability of the existing infrastructure to accommodate increased residential density is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development. The size of the accessory apartment must be reduced to more closely comply with the zoning code regulations.

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- 5 The project narrative and denial letter from the Building Inspector state that a variance from Section 376-65A. is required since the entrance to the accessory apartment is located on the front of the principal dwelling instead of the side of the dwelling. The Section number is incorrect and must be corrected to Section 376-65B. If the public hearing notice was issued with the incorrect zoning code section, it must be corrected and reissued.
- 6 The bulk table on the site plan indicates variances from Sections 376-65A. and 376-65D. are required. These must be removed as they are not required.
- 7 The site plan depicts the chainlink fence extending over the rear property line on the eastern side of the site. The fence must be relocated so that it is fully situated within the property.
- 8 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 9 The project narrative indicates the zoning district for the project is R415-A. This must be corrected to R-15A.
- 10 The map notes must be labeled as such. In addition, they should include parcel specific information such as lot area, zoning, designation, owner, and existing and proposed use.
- 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.

  
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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  
  
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.*

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*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.*