



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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Deputy Commissioner

July 30, 2014

Sloatsburg Zoning Board of Appeals
Village Hall
96 Orange Turnpike
Sloatsburg, NY 10974

Tax Data: 29.68-1-16

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

Map Date: 5/2/2014

Date Review Received: 7/3/2014

Item: *TUXEDO RESERVE OWNER, LLC (SL-108A)*

Variations to permit a two-lot subdivision of .63 acres in an MU-1 zoning district. Proposed Lot 1 will require variations for lot area, lot depth, front setback, and lot coverage; proposed Lot 2 will need variations for lot depth, front setback, rear setback and lot coverage. A use variance is also sought to allow the existing building on proposed Lot 1 to be used as a temporary field office for up to three years. West side of Route 17, north side of Park Avenue

Reason for Referral:

NYS Route 17, Ramapo River, Eleanor Burlingham Memorial Park

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 shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The bulk table on the May 2, 2014 site plan does not include the parking standards for the retail and office uses, or a parking calculation indicating the on-site parking requirement for each use. It is therefore not possible to determine if a parking variance is necessary. This information must be provided. Since the net lot area of proposed Lot 1 does not meet the minimum lot area standard, it must be demonstrated that the required on-site parking can be provided on this undersized parcel, as well as for Lot 2. These parcels are located on a heavily traveled state road. Inadequate on-site parking will impede the safe and efficient flow of traffic along Orange Turnpike. No parking shall be allowed within the State right-of-way.
- 3 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

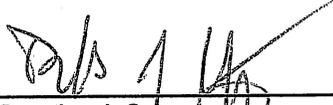
TUXEDO RESERVE OWNER, LLC (SL-108A)

4 This department is not generally in favor of granting use variances because of the land use precedent that can be set. This application is unique in that the proposed field office is to be used on a temporary basis not to exceed three years. The applicant must still prove that applicable zoning regulations and restrictions have caused unnecessary hardship in order for a use variance to be granted. To prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

The Village shall be satisfied that the applicant has demonstrated that an unnecessary hardship exists.

5 The subdivision and site plan applications for this proposal are also subject to a review by this department as mandated under the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Division of Environmental Resources
Lehman & Getz, P.C.

Andrew Dance

**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.