



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

February 3, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 38.58-1-1.6

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

Map Date: 9/16/2014

Date Review Received: 1/9/2015

Item: *GREG & ALLISON BAUER (SL-173C)*

Variations for lot coverage and side yard for an accessory structure to permit the continued maintenance and use of an above-ground pool surrounded by a raised patio of pavers on .4381 acres in an R-15 zoning district. Variations were previously granted for an above-ground pool with partial decking. East side of Sebastian Court, 250 feet southeast of the intersection of Sterling Mine Road.

Reason for Referral:

Sterling Mine Road (CR 72), Town of Ramapo

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 must determine whether the above-ground pool or the raised paver patio is the accessory structure. While the pool is slightly smaller, the proposed paver patio extends to the northern property line. Since it is raised, the effective height of the fencing along the property line is reduced resulting in a greater impact on the adjacent property. We believe the side yard for the accessory structure must be measured to the patio and therefore, a greater side yard variance is required.
- 2 It is unclear how the lot coverage has decreased since a gravel area is now covered by a raised paver patio. Additional information must be provided as to how the lot coverage was calculated. A comparison calculation for the lot coverage of the previous submission shall also be provided.
- 3 The patio appears to be approximately 36 inches high. The Village must determine if perimeter fencing is appropriate for safety reasons.

GREG & ALLISON BAUER (SL-173C)

4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
Rockland County Department of Highways
Sparaco & Youngblood, PLLC
Town of Ramapo

Allison & Greg Bauer

**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.