Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Pomona, New York 10970
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 30, 2016

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

Tax Data: 29.60-1-12 29.60-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/8/2016 **Date Review Received:** 8/10/2016

Item: ***JOHN OOSTDYK (SL-41A)***

Lot frontage variance to allow the construction, maintenance and use of a single-family dwelling on a landlocked parcel with a gross lot area of 2.43 acres (net lot area of 1.48 acres) in the R-40 zoning district. Access to Orange Turnpike is proposed over Lot 29.60-1-4.

Approximately 100 feet north of the terminus of Whritenour Terrace and 335 feet north of Orange Turnpike

Reason for Referral:

Orange Turnpike (NYS Route 17), Ramapo River, Eleanor Burlington County Park and Town of Tuxedo, Orange County

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 applicant must comply with the conditions of the Rockland County Health Department's letter of August 19, 2016.

3 The proposed well must be installed pursuant to all requirements of Article II of the Rockland County Sanitary Code, and under permit with the Rockland County Health Department.

4 The revision date on the map is listed as 7/08/46. This must be corrected to 2016.

5 It is unclear if a connection to Whritenour Terrace was considered rather than Orange Turnpike. This must be clarified.

JOHN OOSTDYK (SL-41A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Rockland County Department of Health

Lan Associates
Town of Tuxedo, Orange County

John Osstdyk

**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.