Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 11, 2018

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

Tax Data: 29.68-2-35

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/19/2018 **Date Review Received:** 8/13/2018

Item: ***ZAKI ALBANNA (SL-220A)***

Variances for front yard, side yard, total side yard, lot coverage and floor area ratio to permit the construction of additions to an existing single-family residence on .1201 acres in an R-10 zoning district. A new detached garage will require rear yard and side yard variances.

East side of Lincoln Street, approximately 495 feet north of Sherman Street and 250 feet south of Adam Court.

Reason for Referral:

NYS Thruway, Eleanor Burlingham Memorial Park, Ramapo River

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 While the required variances will have no adverse impacts on any County-wide interests, we caution the Village about the land use precedent that will be set. The subject site is a non-conforming lot in that only 52.4 percent of the required minimum lot area is provided; the lot width is deficient by 40.7 percent. The applicant is seeking a 64 percent increase over the maximum permitted lot coverage, and a 125 percent increase over the maximum allowable floor area ratio. The surrounding single-family neighborhood is characterized by a mix of lot sizes, many of them below the R-10 minimum lot area requirement of 10,000 SF. Granting multiple bulk variances of significant magnitude to allow oversized dwellings on undersized, nonconforming parcels will set a precedent. Nearby property owners might seek the same relief thereby changing the community character of this residential neighborhood. The Village must consider whether this sort of development is desirable in the R-10 zoning district.

2 The applicant must comply with the conditions of the Rockland County Sewer District's letter of November 30, 2016.

ZAKI ALBANNA (SL-220A)

3 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 There shall be no net increase in the peak rate of discharge from the site at all design points.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
New York State Thruway Authority
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1

Albanna Engineering, P.C.

Zaki Albanna

**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.