



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 11, 2018

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

Tax Data: 29.52-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/8/2017

Date Review Received: 4/13/2018

Item: *BENNETTO PERSICHETTI (SL-224A)*

Variations to permit a two-lot subdivision of 1.493 acres in an MU-1 zoning district. An existing single-family home will remain on Lot 1. A four-family dwelling will be retained on Lot 2. Road frontage and side yard variations are required for Lot 2. A special permit is needed for the multi-family dwelling. Variations from the special permit standards for minimum lot area per unit and minimum habitable area per unit are also sought.

Westerly side of Orange Turnpike, approximately 1600 feet north of Park Avenue

Reason for Referral:

NYS Route 17 (Orange Turnpike), Town of Tuxedo (Orange County), Ramapo River, Sewer District #1 Pump Station

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 New York State Department of Transportation, and any required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of April 26, 2018.
- 3 The Town of Tuxedo in Orange County is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Tuxedo must be given the opportunity to review the necessary variations and provide any concerns related to the project to the Village of Sloatsburg.

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- 4 The bulk table must include the parking requirement for the residential use on each parcel. Section 54-37.O.9. specifies that "a minimum of two parking spaces shall be provided per dwelling unit, plus an additional one parking space shall be provided for every three dwellings or fraction thereof for visitor parking." Therefore, nine parking spaces are required for the multi-family residence.
- 5 Parking spaces must be delineated on the site plan, and in the field, to ensure that there is sufficient parking for the residential use on each parcel. We believe a variance from Section 54-37.O.9. is required for the multi-family residence on Lot 2. As currently configured, there does not appear to be adequate space for nine parking spaces. An easement will be necessary if any of the required parking spaces are located on Lot 1. These issues must be clarified. It is especially critical that adequate on-site parking be provided since the parcel is located on a State highway.
- 6 Two of the requested variances relate to the individual special use permit standards for multi-family housing. As this is a special use that requires approval and a permit from the Planning Board, it is unclear whether the Zoning Board of Appeals has the authority to grant the variances for minimum lot area per unit and minimum habitable area per unit. This must be clarified.
- 7 As noted above, the four-family structure requires a special use permit. While this is also indicated in the January 28, 2018 narrative summary and on the December 8, 2017 subdivision map, it is unclear if the special use permit has been granted. In addition to conforming to the MU-1 bulk standards, the existing multi-family structure must comply with the special permit procedures outlined in Section 54-36, as well as the individual standards contained in Section 54-37.O. The status of the special use permit must be provided.
- 8 Section 54-37.O.10. references a landscaping plan requirement for site plan applications for multi-family dwellings. Since this is a pre-existing structure, a landscaping plan may not be necessary. However, clarification must be provided.
- 9 Section 54-37.O.11. indicates that dwelling units must be provided with accessory patios or porches with a minimum of 100 SF in area. It is unclear whether this requirement is met, or if an additional variance from the individual special use permit standards is needed. This must be clarified.
- 10 The residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 11 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Sloatsburg Fire Inspector, or the Sloatsburg Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 12 A north arrow must be provided on the vicinity map, especially since it is oriented differently than the subdivision map.
- 13 The bulk table includes a footnote regarding existing conditions. While three asterisks are shown in the footnote, they are not indicated on the bulk table. If there are not existing conditions in terms of this variance notation, the footnote shall be eliminated.
- 14 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

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15 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.

16 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.

for
Deputy Arlene Miller
Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Slootsburg
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Health

Donald R. Stedje, P.L.S.
Town of Tuxedo (Orange County)

Bennetto Persichetti

**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.

