



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 16, 2019

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

Tax Data: 30.77-1-16

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/7/2019

Date Review Received: 9/16/2019

Item: *JFD HOMES LLC (SL-226)*

Variances to permit the conversion of a single-family dwelling into a two-family dwelling located on 0.153 acres in the R-10 zoning district. A second story is to be added while the garage and shed are to be removed. The variances requested include lot coverage, front yard, side yard, both side yards, and floor area ratio.

East side of Allen Lane, approximately 75 feet north of First Street

Reason for Referral:

NYS Thruway (Route 87/287)

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The front yard is 37% deficient in meeting the bulk requirement. The side yard requirement is only 26% compliant, while both side yards are deficient by 30%. The lot coverage is exceeded by 48% while the floor area ratio is exceeded by 65%. The ability of the existing infrastructure to accommodate increased residential density on non-conforming parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

2 Without a bulk table, it is difficult to fully assess the proposed variances. A bulk table that shows the standards for the R-10 zoning district must be provided. A note should be placed on the bulk table that states this is a non-conforming lot, and asterisks provided denoting the required variances.

JFD HOMES LLC (SL-226)

- 3 The applicant must comply with the comments made by the Rockland County Health Department in their letter of October 7, 2019.
- 4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 5 The site plan must note that the garage and shed are to be removed, as stated in the application.
- 6 The Referral Form lists four required variances for lot coverage, floor area ratio, front yard, and side yard. The Application Review Form lists these four variances, as well as one for both side yards. All application materials must remain consistent. If the public hearing notice was issued with without all required variances, the notice must be reissued with the correct information.
- 7 The site plan must contain a vicinity map that includes a north arrow and scale.
- 8 The map notes must include all information, including district details.
- 9 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.
- 10 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Carl Wright, Sloatsburg
New York State Thruway Authority
Rockland County Department of Health
Rockland County Sewer District #1
Donald R. Stedje, P.L.S.

Joseph DiFilippo

**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.*

JFD HOMES LLC (SL-226)

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.

