

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 29, 2016

Suffern Village Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 54.51-2-8

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

Map Date: 5/6/2016

Date Review Received: 8/23/2016

Item: *BATINJANE HOME/OFFICE (SU-347)*

Special permit application to allow a building currently owned and operated by a not-for-profit membership association to be used as a residence with a home occupation (professional office) on .6953 acres in a 2R-5(P) zone.
West side of Washington Ave, south side of Oliver Street

Reason for Referral:

Orange Avenue (NYS Route 202)

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 Special permit uses, by definition, are subject to a higher standard of review than as-of-right uses. The Village Board must be satisfied that the proposed home occupation use complies with the general standards for special permits listed in Section 266-28, as well as the individual standards outlined in Section 266-33.I.
- 2 A review shall be completed by the New York State Department of Transportation, and any required permits obtained.
- 3 The site plan shall contain a bulk table detailing the bulk requirements for the proposed use, as well as what is provided. A parking calculation must be included. Any required variances must be clearly indicated on the bulk table.
- 4 The on-site parking requirement must be clarified, as well as the total floor area to be devoted to the home occupation. In other zoning districts within the Village, professional offices require five parking space per 1000 SF of gross floor area.

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- 5 The applicant shall demonstrate that the required parking is achievable by striping the macadam parking area on the site plan and in the field.
- 6 The site plan required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.
- 7 Any variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation

Jay A. Greenwell, PLS, LLC
Village of Suffern Planning Board

Elias and Maha Batinjane

**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.