

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 25, 2016

Suffern Village Board
61 Washington Avenue
Suffern, NY 10901

Tax Data:

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

Date Review Received: 4/28/2016

Item: *VILLAGE OF SUFFERN - USE OF YARDS (SU-345)*

Zoning Code amendment to clarify the nature and extent of the use of yards for accessory structures on properties that contain single-family and two-family dwellings.
Throughout the Village

Reason for Referral:

State and County roads; New York State Thruway; Harriman State Park; County streams; Villages of Airmont, Hillburn, and Montebello; Town of Ramapo, Mahwah Township, NJ

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 Section 266-15(G)(1) seems contradictory. The first sentence states "No accessory building or structure shall be permitted within any required Yard," whereas the second sentence states "...may have not more than two accessory buildings or structures within any required side or rear yard..." This discrepancy must be corrected, and the wording rewritten so that the paragraph is in agreement.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Thruway Authority
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Drainage Agency

VILLAGE OF SUFFERN - USE OF YARDS (SU-345)

Town of Ramapo
Villages of Airmont, Chestnut Ridge, & Montebello
Mahwah Township, NJ

**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.