# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**
*Acting Commissioner*

**Arlene R. Miller**
*Deputy Commissioner*

April 11, 2017

Suffern Zoning Board of Appeals
61 Washington Avenue
Suffern, NY 10901

**Tax Data:** 48.69-1-80

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 12/22/2016 **Date Review Received:** 2/22/2017

**Item:** ***PEHA SUBDIVISION (SU-344A)***

Side yard and rear yard variances to permit a two-lot subdivision of .8131 acres in an R-7.5 zoning district. An accessory structure on proposed Lot 1 will be used as a residence. A garage will also remain on Lot 1. An existing single-family residence will be retained on Lot 2. The variances are for existing conditions.
Northeast corner of Memorial Drive and Wayne Avenue

**Reason for Referral:**

US Route 202 (Wayne Avenue), Mahwah River, NYS Thruway

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 shall be completed by the New York State Department of Transportation and all required permits obtained.

2 The applicant shall comply with the conditions of the Rockland County Drainage Agency's letter of March 10, 2017. As noted in the letter and required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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

4 The subdivision application is also subject to a review by this department as mandated by the New York State General Municipal Law.

**PEHA SUBDIVISION (SU-344A)**

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
Rockland County Drainage Agency
New York State Thruway Authority
Rockland County Department of Health

Brooker Engineering, PLLC

Charles Marcus Peha

**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.*