Village of Spring Valley
Zoning Board Agenda
February 24th, 2021

Zoning Board Members
- Moshe Hopstein, Chairman
- Ghulam Fani, Vice Chairman
- Eli Solomon
- Martha Patrick
- Simon Deutsch

A. Call to Order.

1. **4 Jay Street**
The subject property is located on the east side of Jay Street, 0 ft south from the intersection of Jay Street and Castle Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.63 block 2 lot 76. The Applicant is seeking variances for a proposed 2 Lot Subdivision. The variances are as follows: Lot Area: 10,000 sf required, 8,130 sf provided (Lot 1), 10,000 sf required, 8,812 sf provided (Lot 2); Lot Width: 100 ft required, 12.97 ft provided (Lot 1), 100 ft required, 36.33 ft provided (Lot 2); Rear Yard: 20 ft required, 10 ft provided (Lot 1), 20 ft required, 18.5 ft provided (Lot 2); Total Side Yard: 30 ft required, 20 ft provided (Lot 2)

Applicant: Joseph O’Donohue

2. **51 Collins Ave**
The Subject property is located on the west side of Collins Ave, 300 ft south of Maple Ave in a R-2. The property is designated on the Town of Ramapo Tax Map as Section 57.23 block 1 lot 43. The applicant is seeking variances for a proposed Two-Family Dwelling. The variances are as follows: Lot Area: 10,000 sf required, 5,750 sf provided; Lot Width: 100 ft required, 50 ft provided; Street Frontage: 70 ft required, 50 ft provided; Front Yard: 25 ft required, 22 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided; Side Yard Steps: 10 ft required, 5.58 ft provided (North), 10 ft required, 5.3 ft provided (South)

Applicant: Ace Builders
3. **89 S. Main Street**
The subject property is located on the east side of S. Madison Ave, 0 ft north of Singer Ave in a R-2 zone. The property is designated on the town of Ramapo Tax Map as section 57.62 block 1 lot 27. The applicant is seeking variances for a proposed 6 ft fence. The variances are as follows: Section 255-22G (1): 4ft max, 6ft proposed; Section 255-22H: 3ft max, 6ft proposed.
**Applicant: Solomon Reisman**

4. **22 Charles Lane**
The subject property is located on the north side of Charles Lane, app 197 ft west of Dr. Frank in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.69 block 1 lot 1. The applicant is seeking variances for a proposed Two-Family Dwelling. The variances are as follows: Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 10 ft provided.
**Applicant: Yehoshua Rabinowitz**
February 11, 2021

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 5729-1-43

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/22/2020

Item: 51 COLLINS AVENUE (SV-1022)

A variance application to allow the construction of a two-family dwelling on 0.13 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, and street frontage.

The western side of Collins Avenue, approximately 325 feet south of Maple Avenue

Date Review Received: 1/21/2021

Reason for Referral:
Town of Ramapo

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:

*Disapprove

1. The subject site does not meet the minimum lot area standard of 8,500 square feet required for a single-family residence, and provides slightly more than one-half of the lot area required for a two-family dwelling. The lot itself is non-conforming for width and street frontage, as well. The proposed two-family residence will require substantial bulk variances to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied, and that only a single-family residence be permitted.
51 COLLINS AVENUE (SV-1022)

2. 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 proposed lot area is 68% of the required minimum. The lot width is 50% of the minimum and the provided street frontage is 71% of the required minimum. The front yard is deficient by 12%. The side and total side yards as measured to the structure are deficient by 33%, with greater variances required when measured to the side stairwells. The ability of the existing infrastructure to accommodate increased residential density on undersized 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. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

3. The GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the architectural drawings provided by Hartman Design, dated December 25, 2020, depict a structure with four dwelling units, based on the Village’s definition of a Dwelling Unit. The basement level is divided into two physical spaces. Each basement space, as well as the two units on the first and second floors, contain bedrooms, full bathrooms, laundry facilities, and provides a separate entry. The architectural plans depict a “guset sitting room” in each basement unit that contains a counter and sink. Once plumbing connections are established, these areas can easily be converted post-construction into functioning kitchens by adding appliances. The basement spaces are connected to the upstairs units via a stairwell, which can easily be separated by a locked door.

Multifamily structures are not a permitted use in the R-2 zoning district. In addition, the four parking spaces provided are inadequate for the four units depicted in the architectural drawings. The application must be disapproved and the property must be developed within the allowed uses of the R-2 zoning district.

The following comments address our additional concerns about this proposal.

4. The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 260 feet west of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

6. A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

7. Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
8 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

9 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

10 The site plan provided has been reduced in size and is not to-scale. A full-sized, to-scale site plan must be provided.

11 The site plan indicates that the proposed structure will have an FAR of 0.65. The architectural plans provided indicate that the basement level will have an interior height of 7.5 feet, which makes it exempt from FAR calculations. However, the site plan shows a building footprint of approximately 2,190 square feet. Assuming each story will have a gross floor area equal to the footprint, the proposed structure will have an overall gross floor area of approximately 4,380 square feet, not including the basement. This would result in an FAR of 0.76. Although this is an estimate, an FAR of 0.76 is 17% greater than the allowed maximum FAR of 0.65. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structure will conform to the Village’s FAR requirement; an FAR calculation must be provided on the site plan with a floor by floor tally of gross floor area. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

12 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.

13 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.

Signatures:

Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.E.
Town of Ramapo Planning Board

Rockland County Planning Board Members

*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.

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In this regard, 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 §238-m(9), 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 reason for the contrary action in such report.
January 28, 2021

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.62-1-27

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

Date Review Received: 1/7/2021

Map Date: 12/17/2020

Item: 89 SOUTH MAIN STREET - UNITED TALMUDICAL ACADEMY (SV-599J)

A variance application to construct an auditorium and add fencing for an existing private school on 9.18 acres in the R-2 zoning district. Variances are requested for sections 255-22.G(1) (height of fence within front yards) and 255-22H (visibility at intersections) for the fence. Variances were previously granted for number of parking spaces and to allow more than one principal use on site.

The southern side of Singer Avenue, bounded on the west by South Madison Avenue and bounded on the east by South Main Street

Reason for Referral:

Chestnut Ridge Road/South Main Street (NYS Route 45), Old Nyack Turnpike (CR 52), Town of Ramapo, Village of Chestnut Ridge

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 Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

2. A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

3. A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.

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

Rocklandgov.com
5. The Town of Ramapo and the Village of Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Ramapo boundary is adjacent to the southern property line of the parcel. The Chestnut Ridge Boundary is approximately 170 feet south of the parcel. New York State General Municipal Law states that the purposes of Sections 239-f, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Chestnut Ridge must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6. Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

7. The site plan indicates that there are a total of six trailers on site. According to a narrative for a previous application made by Ira M. Emanuel, P.C., dated February 1, 2013, variances for the placement of the trailers were granted by the Zoning Board of Appeals on January 9, 2013 with the condition that all trailers will be removed within three years. The Village must clarify the status of the on-site trailers. If there are any on-site trailers that have exceeded their allotted length of time, they must be removed prior to the granting of any approvals, or an additional variance must be obtained for them. Any additional variance applications must be forwarded to this department for review.

8. According to the site plan, the central macadam area, with access from South Main Street and South Madison Avenue, does not include any pavement markings for parking spaces, crosswalks or traffic circulation. Aerial photographs indicate that this area has been used for car and bus parking and for student drop-off areas. The site plan must be amended to indicate how safe and efficient traffic circulation will be achieved. Specific areas for bus and car parking, drop-off zones, crosswalks, and directional markings must be provided. The Village must be assured that adequate protection for pedestrians is provided.

9. The bulk table indicates that the proposed Floor Area Ratio will be less than 0.30. General estimates for bulk requirements are not acceptable. The bulk table must be amended to provide a specific FAR.

10. The site plan does not indicate any breaks or gates in the proposed fences at various access points along South Main Street and South Madison Avenue. The site plan must be amended to show how vehicle and pedestrian access will be maintained.

11. The proposed fence requires a variance from Section 265-22 H of the village zoning regulations, which prohibits impediments to visibility at intersections. To prevent the creation of an unacceptable hazard to pedestrians and motorists, the Village must condition its approval with a requirement that only chainlink fencing, with no privacy screens or other visual impediments, be used within the required 75' restricted area.

12. The proposed auditorium is located in an area currently designated as play area and athletic fields. The applicant must demonstrate that sufficient open and recreational space remains to meet the school's needs and requirements.

13. The site plan shall contain map notes, including district information.

Page 2 of 3
14 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

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.

Douglas J. Schultz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1

Anthony R. Celelantac, P.E.
Town of Ramapo Planning Board
Village of Chestnut Ridge Planning Board

*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 regard, 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 providing exemptions from a policy or practice for applications that substantially burden religious exercise; or (3) 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 §339-lll(), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within sixty (90) 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.
February 24, 2021

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.69-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M Date Review Received: 1/26/2021
Map Date: 1/5/2021

Item: 22 CHARLES LANE (SV-986A)

A variance application to allow the construction of a two-family dwelling on 0.35 acres in the R-1A zoning district. Variances are requested for side yard and rear yard.

The northeastern side of Charles Lane, approximately 140 feet north of Dorset Road, and 270 feet east of Dr. Frank Road

Reason for Referral:

Town of Ramapo

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:

"Disapprove"

1 The GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the architectural drawings provided by HP Design NY Inc., dated November 19, 2020, depict a structure with four dwelling units, based on the Village's definition of a Dwelling Unit. The basement level is divided into two physical spaces. Each basement space, as well as the two side-by-side units above, contain bedrooms, a kitchen, full bathrooms, and provides a separate entry. A simple lock on the doors to the interior staircase will physically separate the basement units from the units above.

Multifamily structures are not a permitted use in the R-1A zoning district. In addition, the four parking spaces provided are inadequate for the four units depicted in the architectural drawings. The application must be disapproved and the property must be developed within the allowed uses of the R-1A zoning district.

The following comments address our additional concerns about this proposal.
2 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 side yard is deficient by 33% and the rear yard is deficient by 50%. The ability of the existing infrastructure to accommodate increased residential density on undersized 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. The structure must be reduced in size to conform to the Village’s bulk requirements.

3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the rear property line. New York State General Municipal Law states that the purposes of Sections 238-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-ns was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

5 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

6 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.

7 The site plan scale indicates that the plan is drawn to a 1"=20' scale. However, the site plan appears to have been drawn at a 1"=10' scale. The scale must be corrected.

8 The bulk table must be amended to indicate the required and provided number of stories.

9 The floor plans provided label the lowest level as a basement. The Village’s zoning regulations define a basement as "(t)hat portion of a building that is partly or completely below grade plane..." The elevations provided indicate that the floor of the lowest level is equal to the exterior grade plane. The architectural plans must be amended to indicate that the lowest level meets the Village’s definition of a basement and is below the exterior grade plane, or relabel the lowest level as the first floor.

10 Map note #7 refers to section 239N of the General Municipal Law. The proposal is not a subdivision. The map note must be corrected to refer to section 238L&M. In addition, map note #25 is a repetition of map note #7 and must be removed.

11 A turnaround area must be provided in the parking area to prevent vehicles from backing into the roadway.
22 CHARLES LANE (SV-986A)

12. The western edge of the accessway must be flared out to accommodate exiting vehicles turning west along Charles Lane.

13. The two front entry staircases terminate adjacent to the parking spaces, creating a hazard for pedestrians exiting the structure. The entries must be relocated to avoid a hazardous situation.

14. The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

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.

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Ceintano P.E.
Town of Ramapo Planning Board

Rockland County Planning Board Members

*NYC 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 12-8 of the New York General Municipal Law. Under Article 12-8 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 regard, 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 charging 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-ml(b), 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.

[Signature]
Douglas J. Schuelz
Acting Commissioner of Planning