

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

May 4, 2017

Airmont Zoning Board of Appeals
251 Cherry Lane
P.O. Box 578
Tallman, NY 10982

Tax Data: 56.14-2-58

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

Map Date: 2/14/2017

Date Review Received: 4/7/2017

Item: *DREW - 28 BESEN PARKWAY (A-198A)*

Floor area variance to permit a first floor addition to an existing single-family residence located in the R-15 zoning district on .28 acres.
Southeast side of Besen Parkway, approximately 365 feet southwest of Kenneth Street

Reason for Referral:

NYS Thruway, Town of Ramapo

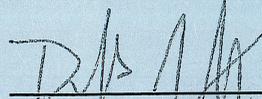
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 3 Map notes #9 and #10 must be updated to reflect the correct water supplier name: Suez.

DREW - 28 BESEN PARKWAY (A-198A)

4 This neighborhood is characterized by similar lot sizes and residential structures. The applicant is seeking a floor area ratio that is 60% greater than permitted. While the granting of this variance may not have an impact on the New York State Thruway or the Town of Ramapo, our reasons for purview, it may set a precedent for other property owners within close proximity to also request similar variances, and thereby change the character of the neighborhood. In addition, allowing greater than permitted floor area ratio on undersized parcels could overburden local roads, as well as the sewer system, stormwater management systems and the public water supply. The ability of the existing infrastructure to accommodate this increased density must be evaluated. The Village of Airmont should evaluate this proposal in context to the surrounding community, and the precedent that could be set.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Philip Gigante, Airmont
Rockland County Sewer District #1
Rockland County Department of Health
New York State Thruway Authority

Anthony R. Celentano P.L.S.
Town of Ramapo

**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.