

**DEPARTMENT OF PLANNING**

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

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

September 6, 2018

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

**Tax Data:** 56.14-2-53

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

**Map Date:** 8/18/2017

**Date Review Received:** 8/9/2018

**Item:** 3 KENNETH STREET - ADDITION (A-203)

A variance application to allow the construction of a two-story addition to an existing single-family dwelling. Variances are requested for floor area ratio and rear setback.

The eastern side of Kenneth Street, approximately 105 feet north of Besen Parkway.

**Reason for Referral:**

Town of Ramapo, NYS Thruway (I-87/287)

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***

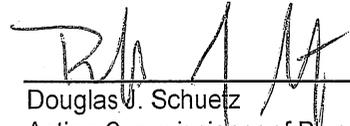
- 1 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 150 feet northeast of the property. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Airmont.
- 2 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 3 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.
- 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.

### 3 KENNETH STREET - ADDITION (A-203)

5 The FAR calculations on the architectural plans and bulk table on the site plan indicate that a floor area ratio of 0.29 is proposed. However, the calculations provided do not include the basement as part of the gross floor area, as is required by the Village's regulations. According to the GML referral form, the letter from the Airmont Building Inspector to the Zoning Board of Appeals, and the application review form, the correct proposed FAR is 0.33. A revised FAR calculation must be provided and the bulk table must be corrected. In addition, the bulk table does not indicate a variance of the rear setback is required and must be amended. Lastly, the public hearing notice must be reviewed and, if it contains inaccurate information, it must be reissued.

6 The map notes on the site plan indicate that the property receives water service from United Water and is located in the Benefitted Area #5 sewer district. The notes must be corrected to Suez and Rockland County Sewer District No. 1.

7 In order to provide information regarding the surrounding area, the vicinity map shall be revised to center the subject parcel.

  
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Douglas V. Schuetz  
Acting Commissioner of Planning

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

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