



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax: (845) 364-3435

EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 5, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 50 13-3-31

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

Map Date: 10/15/2013

Date Review Received: 2/3/2014

Item: 232 BATES, LLC. (R-2436)

Variances for lot area, lot width, side setback, total side setback, rear setback, street frontage, maximum development coverage, floor area ratio and turnaround area to allow the construction, maintenance and use of a two-family residence on .1433 acres in an R-15 zoning district.
East side of Union Road opposite Buefield Drive

Reason for Referral:

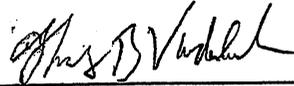
Village of Spring Valley

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***

While two-family residences are permitted as-of-right in the R-15 zoning district, a minimum lot area of 20,000 SF is required. The subject site, at 6,242 SF, requires a variance of nearly 69 percent. Additional non-conformities are lot width and street frontage. A 60 percent variance is required for each of these standards. The proposed two-family residence will also need variances for floor area ratio and development coverage. Since the building is shown to be within ten feet of the property line on both sides, a New York State variance is also required. Residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The number and the extent of the variances required are a clear indication that this proposal will result in an overutilization of the site.

We recommend that the Town undertake a comprehensive analysis of the surrounding land uses to determine if denser residential development is appropriate in this neighborhood. If the Town is in favor of allowing denser residential development on smaller lots, it must amend its zoning code accordingly. This is a more appropriate land use planning technique than continually granting variances.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
232 Bates LLC

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.

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.