



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

June 4, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 33.06-1-21

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

Map Date: 3/27/2014

Date Review Received: 5/6/2014

Item: *STUART & JENNIFER CHAITIN (R-713A)*

Use variance to allow the conversion of a single-family residence to a two-family residence on .7604 acres in an RR-80 zoning district.

West side of Route 45, 1370 feet south of Route 202

Reason for Referral:

NYS Route 45, Palisades Interstate Parkway, Samuel G. Fisher Memorial Environmental Park, the Long Path, Gurnee Park and Amphitheater

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 This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove unnecessary hardship in order for a use variance to be granted. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
- B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
- C. The requested variance will not alter the essential character of the neighborhood.
- D. The alleged hardship is not self-created.

The Town must be satisfied that the applicant has demonstrated that an unnecessary hardship exists.

STUART & JENNIFER CHAITIN (R-713A)

2 A review must be completed by the Palisades Interstate Park Commission and their comments considered.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Division of Environmental Resources
New York - New Jersey Trail Conference
Atzl, Scatassa & Zigler P.C.

Stuart & Jennifer Chaitin

**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.