



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

March 10, 2014

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

Tax Data: 56 15-1-11

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

Map Date: 5/20/2012

Date Review Received: 2/7/2014

Item: *CONGREGATION BNEI YISSOCHOR OF RIBOTITCH (R-2437)*

Variances for front setback, front yard, side setback, total side setback, rear setback, floor area ratio and outer court width to allow the construction, maintenance and use of an addition to a single-family residence on .3468 acres in an R-15 zoning district.

East side of Robert Road, 125 feet north of Johanna Lane

Reason for Referral:

NYS Thruway

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 applicant is seeking a 65 percent increase over the maximum permitted floor area ratio (FAR). The Town must consider the cumulative impact of permitting FAR variances of this magnitude as well as the land use precedent that will be set. The ability of the existing infrastructure to accommodate residences of this size must be evaluated. Allowing large variances for FAR will result in overdevelopment. Local roads will become more congested. The sewer system, stormwater management systems and public water supply will be overburdened. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted.
2. The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
3. The Town of Ramapo Building, Planning and Zoning Department's May 24, 2012 denial letter indicates that a variance is required for outer court width. This variance is not included in the bulk table. All application materials must be consistent.

CONGREGATION BNEI YISSOCHOR OF RIBOTITCH (R-2437)



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Bnei Yissochor of Ribotitch

**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.