



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

December 4, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 55.11-2-16

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

Map Date: 9/21/2014

Date Review Received: 11/6/2014

Item: *RICH ELETTO (R-2478)*

Variances for front setback (Van Orden Avenue and Brookside Avenue), front yard (Van Orden Avenue and Brookside Avenue), side setback, total side setback and rear setback to allow the construction, maintenance and use of an addition to a single-family residence on .2067 acres in an R-15 zoning district. Additional variances are required for turnaround area and spacing between the house and the shed.

Southwest corner of Van Orden Avenue and Brookside Avenue

Reason for Referral:

Village of Airmont

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 Building, Planning and Zoning Department's September 5, 2014 denial letter indicates that front setback and front yard variances are required for both Van Orden and Brookside Avenues. Only the Van Orden Avenue variances are reflected in the bulk table. The denial letter also notes that variances are required for a turnaround area and spacing between the house and the shed. These variances are not included in the bulk table. A total side setback variance is required according to the bulk table. This variance is not included in the denial letter. All application materials must be consistent. The public notice will have to be reissued if it did not contain all of the required variances.

RICH ELETTO (R-2478)

2 The September 5, 2014 denial letter is based on a W.E. James Associates survey and plot plan dated July 23, 2014 and Archifuture architectural drawings dated June 16, 2014. The application materials submitted to this department contain an Archifuture site plan and architectural drawings dated September 21, 2014. The site plan includes a bulk table. According to the bulk table, variances are not required for development coverage and floor area ratio. However, calculations are not provided. The bulk table shall include development coverage and floor area ratio calculations.

3 The Village of Airmont is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

Archifuture P.C.
Village of Airmont

Rich Eletto

**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.