



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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THOMAS B. VANDERBEEK, P.E.
Commissioner

March 7, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-1-11

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

Map Date: 8/2/2013

Date Review Received: 2/3/2014

Item: *JOEL HOROWITZ (R-2309A)*

Variances for lot area, front setback (Maple Avenue and Herrick Avenue), front yard (Maple Avenue and Herrick Avenue), side setback, rear setback, deck rear setback, maximum development coverage, parking and fence setback to allow the construction, maintenance and use of a three-family residence with two accessory apartments on .2295 acres in an R-15C zoning district.
Northwest corner of Maple Avenue and Herrick Avenue

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***

This department issued a GML review recommending modifications for the variances required for the original proposal on April 1, 2011. The building footprint depicted on the January 11, 2011 site plan submitted with that GML review request is significantly smaller than what is shown on the August 2, 2013 site plan currently under review. The narrative implies that the front stairs, walkway and retaining walls account for the increased front yard, front setback and development coverage variances now required. In fact, the L-shaped building proposed in 2011 has been squared off adding approximately 1,000 SF to the building footprint. We believe the floor area ratio has also increased and a variance is now required, although that is not indicated in the bulk table. An explanation must be provided for the discrepancy in the building footprints.

The parking area indicated on the August 2, 2013 site plan extends beyond the property line and does not include a turnaround area. It is unclear whether curbside parking is available or appropriate in this neighborhood. Allowing a second accessory apartment without a designated parking space for a fifth unit is unacceptable.

JOEL HOROWITZ (R-2309A)

The residential building constructed on this lot has resulted in an overutilization of the site as evidenced by the number and the magnitude of the variances required. An additional residential unit shall not be permitted.



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
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Joel Horowitz

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.