



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Acting Commissioner

January 23, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.15-1-18

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

Map Date: 10/24/2013

Date Review Received: 12/20/2013

Item: *HADASSAH LIPSCHULTZ (R-2426)*

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, floor area ratio and turnaround area to allow the construction, maintenance and use of an addition to and the conversion of a single-family residence to a two-family residence on .3638 acres in an R-15 zoning district.

At the terminus of Johanna Lane, 250 feet northwest of Roberts Road

Reason for Referral:

NYS Thruway, Village of Airmont, Frank J. & Lillian G. Schwartz Memorial Park

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:

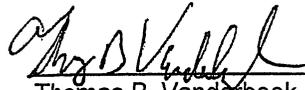
****Disapprove***

1 While the subject site meets the minimum lot area standard of 15,000 SF required for a single-family residence, it does not comply with the lot area requirement for two-family residences. A lot area variance of almost 21 percent is needed. Additional non-conformities include lot width and street frontage. The proposed residential building will require a floor area ratio variance of 37.5 percent. Additional setback variances are necessary to accommodate an oversized residential building on an undersized parcel. A turnaround area cannot be provided on the subject site so vehicles will have to back out into the Johanna Lane cul-de-sac. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. The required on-site parking cannot be safely accommodated on most lots as evidenced by the need for a turnaround area variance for this parcel. Additional residents will generate more traffic on the surrounding streets. The potential for traffic conflicts is great. While two-family residences are permitted as of right in the R-15 zoning district, they are subject to stricter bulk requirements. This site is deficient in meeting these more stringent standards. We recommend that the required

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variances be denied.

2 While the bulk table indicates that the street frontage does not meet the R-15 standards for two-family residences, this item is not asterisked as requiring a variance. The November 26, 2013 denial letter from the Town of Ramapo Building, Planning and Zoning Department does not include the street frontage variance. All application materials must be consistent.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Thruway Authority
Rockland County Division of Environmental Resources
Anthony R. Celentano P.L.S.
Village of Airmont

Hadassah Lipshultz

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.