



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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THOMAS B. VANDERBEEK, P.E.
Commissioner

April 29, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.10-1-3

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

Map Date: 6/11/2013

Date Review Received: 3/27/2014

Item: *MOSHE SILBER SUBDIVISION (R-2431A)*

Variances to permit a two-lot subdivision of 1.299 acres in the RR-50 zoning district with less than the required lot area and lot width for each lot.

South side of Viola Road, opposite Quince Lane

Reason for Referral:

Viola Road, Rockland Community College

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 must comply with the conditions of the Rockland County Highway Department's letter of March 17, 2014.
- 2 The existing garage at the southern property line is to remain. It is unclear which lot will be served by the garage since the proposed lot line runs through this structure. This must be clarified.
- 3 Map Note # 7 must be corrected to indicate that the plat conforms to Section 239 N of the New York State General Municipal Law as Section 239 K no longer exists. Map Note # 25 shall be eliminated since it contains the same information as Map Note #7.
- 4 The February 24, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department indicates that side yard variances are also required for each lot due the location of the existing garage. These variances are not noted in the bulk table on the June 11, 2013 subdivision plat yet the July 13, 2013 project narrative indicates that variances are also needed for front setback, front yard, side setback and side yard on Lot 2. If the garage in the rear of the property is to remain, then a rear yard variance is also required. All application materials must be consistent and the discrepancies corrected.

MOSHE SILBER SUBDIVISION (R-2431A)

5 The ZBA application referred to this department for a GML review on March 27, 2014 includes a narrative dated July 13, 2013 which states that "the existing dwelling will remain, and a new dwelling is proposed between the existing dwelling and the Cemetery." The June 11, 2013 subdivision plat received as part of this submission shows two new residential buildings. The February 24, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department references the June 11, 2013 map. Since the July 13, 2013 narrative does not include the date of the map to which it is referring, it is unclear whether this department is in receipt of the correct map. This must be clarified. All application materials must be consistent.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland Community College
Anthony Celetano P.L.S.

Moshe Silber

**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.