



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 23, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.13-2-6

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

Map Date: 3/25/2014

Date Review Received: 12/24/2014

Item: *ISRAEL ORZEL (R-1078D)*

Variations to permit installation of an in-ground swimming pool and site work (fence) for a single-family dwelling on 1.64 acres in the RR-50 zoning district. Variations indicated to be needed in the Town of Ramapo Assistant Plans Examiner's letter dated September 22, 2014 include: fence (wall) closer than permitted to the property line, and greater than permitted development coverage.

South side of Briarwood Lane, approximately 1,665 feet west of College Road

Reason for Referral:

Rockland Community College, Village of Montebello

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 map submitted with the application is dated March 25, 2014. However, the September 22, 2014 Denial Letter from the Town of Ramapo Assistant Plans Examiner references a map from Brooker Engineering, PLLC dated September 27, 2014 (a letter date that pre-dates the map date). Is a more up-to-date map available? The map that we received also does not contain a bulk table, so it is not possible to determine the needed variations, including the development coverage variance that is noted as being required. Lastly, the plans that we have do not have a fence/wall or a swimming pool illustrated on it, so it is impossible to determine the extent of the variance required. An updated map must be provided that illustrates the features in questions, and which contains a bulk table.

ISRAEL ORZEL (R-1078D)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland Community College
Brooker Engineering, PLLC
Village of Montebello

**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.