



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

July 16, 2007

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-2-24.2

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

Map Date: 1/12/2007

Date Review Received: 6/18/2007

Item: 306 HOLDING, LLC/S. GALANDAUR/56 HERRICK AVENUE (R-2167)

Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage and maximum development coverage to allow the construction, maintenance and use of a three-family residence on .1501 acres in an R-15C zoning district.

East side of Herrick Avenue, 400 feet south of Maple 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***

Our records indicate that Tax Lot 57.05-2-24 is a .2974-acre parcel. A single-family residence is currently located on the site. In a July 9th telephone conversation, staff in the Ramapo Assessor's Office confirmed that this property had not been subdivided. We subsequently received a copy of a June 29, 2007 letter from the Town Assessor indicating that the property was subdivided by deed on April 25, 2007. It is unclear to us whether the Assessor's Office considers the applicable bulk requirements when granting a subdivision by deed. The creation of undersized parcels should not be permitted. The resultant overdevelopment will strain already overburdened infrastructure and was not envisioned in the Town's Comprehensive Plan. The cumulative effect of allowing such subdivisions and granting the required bulk variances must be considered.

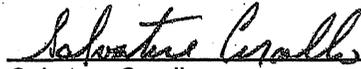
The subdivision of Lot 57.05-2-24 is subject to a review by this department under the NYS General Municipal Law (GML). We do not view the creation of two non-conforming lots favorably. Since we have not reviewed this action, we do not recognize the subdivision of this parcel.

This department is in receipt of two separate GML review requests for this site. The subject application to the Zoning Board of Appeals is for several bulk variances to permit the construction

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of a three-family residence on .1501 acres. The narrative indicates that a single-family residence will be converted to a three-family residence. The site plan depicts a new three-family residence. The second application is for bulk variances to allow the construction of a three-family residence on .1473 acres. The narrative submitted with this application also indicates that a single-family residence will be converted to a three-family residence while the site plan depicts a new three-family residence. The minimum lot area for a three-family residence in an R-15C zoning district is 15,000 SF. Lot 57.05-2-24 is undersized at 12,955 SF. Subdividing this parcel will result in two significantly undersized lots. A 56 percent lot area variance is required for the subject application. A 57 percent lot area variance is required for the second application.

The number and the magnitude of the variances required for these applications are a clear indication that the construction of two, three-family residences will result in an overutilization of this 12,955 SF site. The Town shall not permit this undersized parcel to be further subdivided. The development proposal shall be scaled back to a single residential building on the .2974-acre lot that more closely conforms to the bulk standards of the R-15C zoning district.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

Anthony R. Celentano, P.L.S.
Village of Spring Valley

Shimmy Galandauer

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.