COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING
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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 9, 2008

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

Tax Data: 57.05-2-23

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

Map Date: 8/11/2008 **Date Review Received:** 8/11/2008

Item: ***HEYME BLEIER (R-2142A)***

Maximum development coverage variance to allow the conversion of a three-family residence with one accessory apartment to a three-family residence with two accessory apartments. Variances were previously granted for lot area, front setback, front yard, side setback, total side setback, rear setback and deck rear setback. The .3086 acre site is in an R-15C zoning district.
East side of Herrick Avenue, 300 feet north of Stephen Place

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:

Recommend the following modifications

This department issued a review of the variances initially required for this residential building in March of 2007. At that time, accessory apartments were not proposed. Three on-site parking spaces were required and the maximum allowable development was not exceeded. We recommended that the 12,098 SF residential building be scaled back to more closely conform to the R-15C bulk standards.

Two additional on-site parking spaces are now required for the accessory apartments. As a result of the additional impervious surface, a variance is required for development coverage. We offer the following recommendations.

1 The Town must consider the cumulative impact of permitting such development and the land use precedent that will be set. The ability of the existing infrastructure to accommodate this increased density must be evaluated. Allowing the maximum residential density on undersized parcels could overburden local roads, as well as the sewer system, stormwater management systems and the public water supply.

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2 Additional information must be provided about the accessory apartments so that it can be determined if they comply with Section 376-65.

Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Anthony R. Celentano P.L.S.
Village of Spring Valley

Heyme Bleier

**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.