COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING
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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 16, 2007

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

Tax Data: 57.05-1-34

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

Map Date: 5/15/2007 **Date Review Received:** 6/19/2007

Item: ***BRACHA CONSTRUCTION/74 HERRICK AVENUE (R-2169)***

Lot area, front setback, front yard, rear setback, deck rear setback and maximum development coverage to allow the construction, maintenance and use of a three-family residence with an accessory apartment on .1607 acres in an R-15C zoing district. This non-complying lot is subject to Section 376-131.D(1)(a) through (f).
East side of Herrick Avenue, 225 feet south of First Street

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

Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. As per Section 376-131.C.(1)(f), the minimum lot area in the R-15C zoning district must be 7,500 SF as opposed to the 15,000 SF minimum lot area requirement for conforming lots. At 7,000 SF, the subject site does not even meet the relaxed standard; yet, the applicant is proposing four residential units on this very undersized parcel.

This department is not in favor of new construction projects that do not meet the bulk standards of the zone in which they are proposed. Given that this site benefits from the application of Section 376-131, we recommend that the residential building be scaled back so that the standards for front setback, front yard, rear setback, deck rear setback and maximum development coverage are achieved. A two-family residence may be more appropriate for this site. An accessory unit shall not be permitted.

BRACHA CONSTRUCTION/74 HERRICK AVENUE (R-2169)

Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

Anthonty R. Celentano P.L.S.
Village of Spring Valley

Bracha Construction, LLC

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.