



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T

50 Sanatorium Road

Pomona, New York 10970

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C. SCOTT VANDERHOEF

County Executive

July 15, 2009

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

Tax Data: 57.05-2-24.1

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

Map Date 5/28/2009

Date Review Received: 6/23/2009

Item: *GITTA EINHORN (R-2168A)*

Variations to allow the construction of decks to the side and rear of an existing three-family dwelling in an R-15C zone on 0.15 acres. The variations include less than the required side setback, total side setback, and rear deck; and greater than permitted maximum development coverage.

East side of Herrick Avenue, approximately 405 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:

****Recommend the following modifications***

1. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate residences of this size is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1

GITTA EINHORN (R-2168A)

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

**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.