



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

February 26, 2007

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

Tax Data: 57.05-2-27

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

Map Date: 12/29/2006

Date Review Received: 1/29/2007

Item: *MAYER FRIEDMAN (R-2118A)*

Variances for lot area, front setback, front yard, side setback, total side setback, rear setback and rear deck to allow the construction, maintenance and use of a three-family residence with an accessory apartment on .2749 acres in an R-15C zoning district.
East side of Herrick Avenue, 200 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***

The department issued a General Municipal Law review of the variances required for a proposed three-family residence on this site on October 3, 2006. At that time we recommended that the residential building be reduced in size. The current proposal is for a three-family residence with an accessory apartment. This denser residential development will require additional bulk variances and result in more impervious surface.

1 The applicant is now proposing a residential building with a Floor Area Ratio (FAR) of .88 with 50 percent of the undersized, 11,976 SF lot developed. This is close to the maximum allowable FAR and at the maximum development coverage standard for this use in the R-15C zoning district. Since the lot area is 20 percent less than the minimum required, several yard and setback variances are also necessary. As indicated in our previous review, this department is not in favor of new construction projects that do not comply with the bulk requirements of the zone in which they are proposed. The 10,539 SF residential building must be scaled back to more closely conform to the R-15C bulk requirements.

MAYER FRIEDMAN (R-2118A)

2. More detailed information must be provided about the accessory apartment to determine if it complies with Section 376-65.
3. A review must be completed by the Village of Spring Valley and their comments considered.


Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

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

Mayer Friedman

**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.