



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE MILLER
Deputy Commissioner

December 17, 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: 10/15/2007

Date Review Received: 11/19/2007

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

Maximum development coverage variance to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2749 acres in an R-15C zoning district. Variances for lot area, front setback, front yard, side setback, total side setback, rear setback and deck rear setback were previously granted for an earlier version of this project when only one accessory apartment was proposed.

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***

This department has reviewed two earlier versions of this proposal - a three-family residence and a three-family residence with one accessory apartment. In our October 3, 2006 and February 26, 2007 General Municipal Law reviews, we recommended that the 10,539 SF building be scaled back to more closely conform to the R-15C bulk requirements. The Zoning Board of Appeals chose to override these recommendations and grant all the requested variances. The residential building is currently under construction. The applicant is now proposing two additional accessory apartments. A parking space is required for each accessory unit. As a result of the two additional parking spaces, the maximum allowable development coverage of .50 will be exceeded.

MAYER FRIEDMAN (R-2118B)

1 The maximum permitted residential density for detached three-family residences in the R-15C zoning district is just over 17 units per acre. The proposed residential density on this undersized lot has doubled since the initial project submission. Almost 22 units per acre are now proposed. The Town must consider the cumulative impact of permitting greater than the allowable maximum residential density 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 and public water supply. We recommend that the Town undertake an evaluation of the R-15C zoning district with particular attention to the undersized parcels. The maximum residential density may not be appropriate for those lots that do not meet the minimum lot area requirements. We believe that one- and two-family residences may be more appropriate for these undersized lots depending on the degree of non-conformity.

2 More detailed information must be provided for the accessory apartments to determine if they comply with Section 376-65.

3 A review must be completed by the adjacent Village of Spring Valley and their comments considered.



Salvatore Corallo
Commissioner of Planning

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