



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

October 22, 2007.

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

Tax Data: 57.05-2-28.1

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

Map Date: 7/18/2007

Date Review Received: 9/28/2007

Item: **SHLOMA FRIEDMAN (R-2193)**

Variances for lot area, front setback, front yard and rear setback to allow the construction, maintenance and use of semi-attached, two-family dwelling on .1773 acres in an R-15C zoning district. This non-complying lot is subject to Section 376-131.D(1)(a) through (f).
East side of Herrick Avenue, 77 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. Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Ramapo zoning law provided that they meet the less restrictive bulk standards outlined therein. The subject site is 7,722 SF or almost 23 percent smaller than the minimum lot area required for new semi-attached, two-family residences in the R-15C zoning district. However, it does meet the 7,500 SF minimum lot area required in Section 376-131.D(1)(f). The applicant is proposing a 6,950 SF residential building with 47 percent of the lot developed. This is the maximum allowable floor area ratio and close to the maximum development coverage for this use in the R-15C zoning district. Because the site is undersized and the maximum floor area ratio is proposed, variances are also required for front setback, front yard and rear setback. These variances range in magnitude from 19 percent to 33 percent. 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 proposed two-family residence be scaled back so that the standards for front setback, front yard, and rear setback are achieved.

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2 It should be noted that a similar site plan proposal has been submitted for the parcel immediately north of the subject site. This neighborhood is characterized by similarly-sized parcels. 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 increased residential density on undersized parcels could overburden local roads, as well as the sewer system and public water supply.



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

Shloma Freidman

**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.