



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T

50 Sanatorium Road

Pomona, New York 10970

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 18, 2007

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

Tax Data: 57.05-2-26

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

Map Date: 7/9/2007

Date Review Received: 8/16/2007

Item: **SHIMMY GALANDAUER/60 HERRICK AVENUE (R-2187)**

Variations for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage and maximum development coverage to allow the construction of an addition to and the conversion of a single-family residence to a three-family residence on .1417 acres in an R-15C zoning district.

East side of Herrick Avenue, 250 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:

**Disapprove*

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 6,174 SF or almost 59 percent smaller than the minimum lot area required for three-family conversions in the R-15C zoning district. It is over 17 percent smaller than the 7,500 SF minimum lot area required in Section 376-131.D(1)(f). Because the site is significantly undersized, variances are also required for lot width, yards, setbacks, street frontage and maximum development coverage. These variances range in magnitude from 22 percent to over 58 percent. The applicant is proposing development coverage of .61 percent, 22 percent more than the maximum allowed for this use in the R-15C zoning district. At 5,557 SF, the proposed building has the maximum permitted Floor Area Ratio of .90. The number and the magnitude of the variances sought are a clear indication that this proposal will result in an overutilization of this site. The applicant must reduce the size of the residential building to more closely conform to the R-15C bulk standards. A two-family residence may be more appropriate for this site.

SHIMMY GALANDAUER/60 HERRICK AVENUE (R-2187)


Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

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

Shimmy Galandauer

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.