



COUNTY OF ROCKLAND  
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF  
County Executive

SALVATORE CORALLO  
Commissioner

July 15, 2009

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 57.09-1-64

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

**Map Date** 5/21/2009

**Date Review Received:** 6/30/2009

**Item:** ABRAHAM GUTTMAN #3670 (R-2184A)

Variance to allow the construction a two-family dwelling with the addition of decks to the back of the property in an R-15C zone on 0.28 acres with greater than permitted maximum development coverage. West side of Herrick Avenue approximately 200 feet north of West Central 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 over-utilization 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.

2 The bulk table shows that variances are required for minimum lot area, front setback, front yard, side setback, total side setback, rear setback, and rear setback deck, as well as maximum development coverage. Documentation provided with the application indicates that all but the maximum development coverage variance have already been received in a Zoning Board of Appeals decision #3431 on January 10, 2008. The bulk table must be updated to indicate the variances that have already been previously granted on January 10, 2008 for this parcel.

**ABRAHAM GUTTMAN #3670 (R-2184A)**



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

*\*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.*