



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

September 14, 2007

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: 12/22/2006

Date Review Received: 8/16/2007

Item: *ABRAHAM GUTTMAN (R-2184)*

Variances for lot area, front setback, front yard, side setback, total side setback, rear setback and deck rear setback to allow the construction, maintenance and use of a two-family residence on .2707 acres in an R-15C zoning district.

West side of Herrick Avenue, 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 The applicant is proposing a residential building with a Floor Area Ratio (FAR) of .90 with 48% of the undersized, 11,791 SF lot developed. This is the maximum standard for FAR and almost the maximum standard for development coverage for this use in the R-15C zoning district. Since the lot area is 21% less than the minimum required, variances are also required for front setback, front yard, side setback, total side setback, rear setback and the rear deck. This department is not in favor of new construction projects that do not meet the bulk requirements of the zone in which they are proposed. The 10,612 SF residential building shall be scaled back to more closely conform to the R-15C bulk requirements.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

Anthony R. Celentano P.L.S.

ABRAHAM GUTTMAN (R-2184)

Village of Spring Valley

Abraham Guttman

**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.