



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

February 1, 2007

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

Tax Data: 57.05-1-28

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

Map Date: 11/27/2006

Date Review Received: 1/5/2007

Item: **HERRICK SUBDIVISION (R-2135)**

Variances for lot area, lot width, front setback (Lot 1), front yard (Lot 1), side setback, rear setback (Lot 2), rear yard (Lot 1), street frontage (Lot 2), and maximum development coverage to allow a two-lot subdivision of .582 acres in an R-15C zoning district and the construction, maintenance and use of a three-family residence on each lot.

East side of Herrick Avenue, 150 feet north of First Street

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 to create two undersized lots in order to construct two residential buildings with a Floor Area Ratio (FAR) of .83 and 69 percent of the 12,675 SF lots developed. This is close to the maximum FAR for this use in the R-15C zoning district. The maximum development coverage is exceeded by 38 percent on each lot. Since the minimum lot area requirement is not met, variances are also required for lot width, front setback, front yard, side setback, rear setback and rear yard. A street frontage variance is needed for Lot 2. This department is not in favor of new construction projects that do not conform to the bulk requirements of the zone in which they are proposed. We therefore recommend that the 10,520 SF residential buildings be scaled back to more closely comply with the R-15C bulk regulations.

2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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3 The narrative submitted with this application indicates that detached three-family residences are proposed rather than semi-attached residential buildings at the insistence of the Town's Fire Inspector. The narrative contends that the subject layout addresses fire safety considerations and allows for sufficient turnaround space for fire trucks. This department has not reviewed the proposal for two semi-attached residential buildings so we cannot compare the number and extent of the variances or the fire safety provisions for each option. Since fire safety is of paramount importance, the Town shall be satisfied that this proposal for two detached residential buildings is superior to the original proposal for two semi-attached residences.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Sparaco Engineering & Land Surveying, PC
Village of Spring Valley

Isidore Landau

**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.