



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE MILLER
Deputy Commissioner

January 2, 2008

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

Tax Data: 56.08-5-25

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

Map Date: 10/9/2007

Date Review Received: 12/6/2007

Item: *HERMAN NIDERMAN (R-2208)*

Variances for lot area, front setback, front yard, side setback, rear setback and deck rear setback to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .3443 acres in an R-15C zoning district.

North and east sides of Walter Drive, 400 feet west of Monsey Boulevard

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 proposed residential building will have a Floor Area Ratio (FAR) of .90 with 50% of the 14,998 SF parcel developed. This is the maximum standard for FAR and maximum development coverage for this use in the R-15C zoning district. This proposal requires variances for front setback, front yard, side setback, rear setback and deck rear setback. These variances range in magnitude from 28.5% for front setback and yard to 60% for deck rear setback. 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. The 13,498 SF building must be scaled back so that the R-15C bulk standards are achieved.

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2 By proposing a three-family residence with three accessory apartments, the applicant is seeking the maximum residential density permitted in the R-15C zoning district. The Town must consider the cumulative impact of permitting large residences that do not comply with the applicable bulk standards, as well as the land use precedent that will be set. The ability of the existing infrastructure to accommodate residences of this size must be evaluated. Granting bulk variances to allow large residences will result in overdevelopment. Local roads will become more congested. The sewer system and public water supply will be overburdened. In addition, the integrity of the zoning ordinance is compromised when area variances are continually granted.

3 Detailed information about the accessory apartments must be provided to determine if they comply with Section 376-65.



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

Herman Niderman

**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.