



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

June 23, 2008

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.12-2-7

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

Map Date: 4/8/2008

Date Review Received: 5/23/2008

Item: *NAFTALI WAGSCHAL (R-793D)*

Variances for front setback, front yard, side setback, total side setback, rear setback, deck rear setback and maximum development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .383 acres in an R-15C zoning district.
Northeast corner of West Central Avenue and 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:

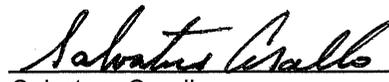
****Recommend the following modifications***

1 The applicant is proposing a residential building with a Floor Area Ratio (FAR) of .90 with 51% of the 16,573 SF lot developed. This is the maximum standard for FAR and greater than the maximum standard for development coverage for this use in the R-15C zoning district. Variances are also required for front setback, front yard, side setback, total side setback, rear setback and deck rear setback. Four of the six on-site parking spaces do not meet the minimum stall width requirement of nine feet specified in Section 376-71.B. 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 14,886 SF residential building must be scaled back to conform to the R-15C bulk requirements.

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2 The Town must consider the cumulative impact of permitting large residential buildings that do not conform to the applicable bulk standards as well as the land use precedent that will be set. The ability of the existing infrastructure to accommodate a six-fold increase in residential density must be evaluated. Allowing the maximum residential density could overburden local roads and stormwater management systems, as well as the sewer system and public water supply. As noted above, the 14,886 SF residential building must be reduced so that the R-15C bulk standards are achieved.

3 A review must be completed by the adjacent Village of Spring Valley and their comments considered.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Sparaco Engineering & Land Surveying, PC
Village of Spring Valley

Naftali Wafschal

**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.