



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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DOUGLAS J. SCHUETZ
Acting Commissioner

March 25, 2015

ARLENE R. MILLER
Deputy Commissioner

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 49.68-2-50

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

Map Date: 10/28/2014

Date Review Received: 2/20/2015

Item: *ANDREW FREUND (SV-816)*

Variances for lot area, lot width, side yard, total side yard and parking in the front yard to allow the construction, maintenance and use of additions to an existing semi-attached, single-family residence on .0874 acres in an R-2 zoning district.

West side of South Rigaud Road, 465 feet south of Jacarusso Drive

Reason for Referral:

Town of Ramapo

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 Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the east side of South Rigaud Road, 50 feet east of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the variances necessary for the proposed project and provide any concerns related to the project to the Village of Spring Valley.

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 45.6 percent reduction in the minimum lot area requirement. The lot width is also deficient by more than 46 percent. The proposed addition will encroach ten feet into the required side yard. The ability of the existing infrastructure to accommodate large residences on non-conforming, undersized parcels 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 Village must consider the cumulative and regional impacts of permitting such development.

ANDREW FREUND (SV-816)

3 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of March 9, 2015.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Andrew Freund

**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.