Village of Spring Valley Planning Board
Meeting Agenda
February 23rd, 2021
7:00pm

Meeting Invite Information: Provide Zoom meeting information.

I. Call to order.

II. Flag Salute

III. Roll Call

Moses Koth, Chairperson
Frantz Wackmann, Vice Chairperson
Jean Berthomieux
Shmuel Baum
Jean Simon
Yitzchok Sabel

IV. Public hearings

a) 324 Route 59 – Consideration of a Final Site Development Plan for the construction of a two-story office building. (Continued from February 4, 2021)

b) 27 West Street (29 West, 2 Collins and 4 Collins) – Consideration of an amendment to a previously approved Final Site Development Plan for the construction of three (3) two-family homes for a total of 6 dwelling units.

V. Old business
a) **48 West Street** – Consideration of adoption of a SEQRA Part 2 for a Preliminary Site Development Plan application to construct a two-story House of Worship.

b) **41 West Church Street** – Consideration of adoption of a SEQRA Negative Declaration to convert an existing tire shop into a warehouse and to construct a two-story addition to the existing one-story building.

c) **33 South Main Street** – Application for Preliminary Site Development Plan for a proposed three-story, 9,637 square foot mixed-use retail and residential building.

VI. New business

a) **1-3 Funston Avenue** – Application for a Subdivision and Preliminary Site Development Plan for a four (4) lot subdivision and construction of a two-family dwelling on each lot for a total of eight (8) dwelling units. The Planning Board hereby issues its Notice of Intention to Declare the Planning Board to be the Lead Agency under SEQRA, and to send that Notice of Intention to all Involved Agencies, which is the Zoning Board of Appeals.

b) **10 Centre Street** – Application for a Preliminary Site Development Plan to construct a five-story, 90 unit multiple-family residential building. The Planning Board hereby issues its Notice of Intention to Declare the Planning Board to be the Lead Agency under SEQRA, and to send that Notice of Intention to all Involved Agencies, which are the Village Board of Trustees and the Zoning Board of Appeals.

VII. Adjournment
DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434    Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 19, 2019

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.45-1-20  57.45-1-18  57.45-1-7
67.45-1-6

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/15/2019    Date Review Received: 11/14/2019

Item: 324 ROUTE 59 (SV-431B)
Site plan for the construction of a two-story, 36,000 SF office building located on 1.549 acres in the POR and R-1 zoning districts. Variances for front yard (Route 59, Yatto Lane, & Summit Avenue), floor area ratio, and number of parking spaces will be required.
North side of NYS Route 59, east side of Yatto Lane, south side of Tenure Avenue, west side of Summit Avenue

Reason for Referral:
NYS Route 59, 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:

*Disapprove*

1. The parcels that compromise the application are located within both the R-1 and POR zoning districts. Office buildings and accessory parking, as per Section A-7C(11) of the Village Code, are permitted uses in the POR district, but not in the R-1 district. Of the 113 parking spaces provided, only 36 are located within the POR zoning district, while 77 are proposed within the R-1 zoning district. Therefore, a use variance will be required to achieve this parking layout. This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship in order for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

A. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
B. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.

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C. The requested variance will not alter the essential character of the neighborhood.
D. The alleged hardship is not self-created.

Rather than seek a use variance, the applicant shall consider reducing the size of the building so that all required parking can be contained within the POR section of the site. This will also reduce the floor area ratio variance requested.

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 front yard along Yatto Lane and Route 59 are only 83% of the required standard and the front yard along is Summit Avenue is only 80% compliant. The floor area ratio exceeds the maximum permitted amount by 77%. In addition, only 78% of the required amount of parking spaces is being provided, with only 25% of the spaces proposed within the POR zoning district. 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. The application must be denied and the size of the building reduced to lessen the floor area ratio and amount of parking required.

3 Access to the site is provided through Yatto Lane and Summit Avenue, not from Route 59. This will create commercial traffic along these two local roads, where none had been before, and which is located in a residential zone. The site shall be reoriented to allow access directly from Route 59 so as to prevent the increased commercial traffic in the residential areas.

4 A substantial parking variance is required in order to implement the proposed site plan. If insufficient parking occurs then employees will need to find alternative parking arrangements. Under no circumstances shall overflow parking be permitted along Route 59 or on the local roads that are zoned for residential uses.

The following comments address our additional concerns about the proposal:

5 It must be clarified if tax lot 57.45-1-19 is part of this application. Based on the lot lines shown on the site plan and the value for the lot area, it appears this lot is not part of the application. If that is the case, all references to it on the application materials and the site plan shall be removed. If it is part of the application, the lot lines shall be redrawn, and the lot area updated, to reflect its inclusion.

6 If tax lot 57.45-1-19 is to remain as a residential use, the applicant must provide landscaping, a berm, and/or some other form of a buffer around this parcel to shield it from the light, noise, and any other activity that may occur due to the office use of the surrounding property.

7 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

8 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

9 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
324 ROUTE 59 (SV-431B)

10 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 263 feet north of the site. New York State General Municipal Law states that the purposes of Sections 239-I, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n(n) was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

12 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

13 The Referral Form states a two-family dwelling is to be constructed. The Short Environmental Assessment Form indicates an office building is being proposed. The site plan just states a two-story building will be constructed. The intended use of the proposed building must be clarified as two-family dwellings are not a permitted use in the POR zoning district and offices are not a permitted use in the R-1 zoning district.

14 Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, designating specific locations on the site for snow piles, especially since less than the required number of parking spaces are being provided, will eliminate the loss of parking spaces meant for employees of the building.

15 Concrete walkways are provided along Route 59, Summit Avenue, and Tenure Avenue. However no walkway is provided along Yato Lane. A concrete walkway must be provided along this roadway to accommodate pedestrians coming from the west.

16 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

17 There shall be no net increase in the peak rate of discharge from the site at all design points.

18 The location of the dumpster enclosure must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

19 The site plan shall contain map notes, including district information. The applicant's engineer has been reminded of the importance of including such details.

20 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
21 A landscaping plan that meets all Village requirements shall be provided. A 10 foot landscaped buffer of low evergreen shrubs shall be provided to shield tax lot 57.45-1-19 from the headlights of parked cars.

22 Grading, utility, and soil and erosion control plans must be provided.

23 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

24 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

25 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override:

oc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
Anthony R. Celentano P.E.
Town of Ramapo

Rockland County Planning Board Members

*NYA 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 refers 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.

Proposers of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(3), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A retaining body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.
MEMORANDUM

TO: Village of Spring Valley Planning Board
FROM: Michael D. Kauker, PP, AICP
Principal
DATE: February 18, 2021
SUBJECT: 324 Route 59
Review # 4

The following materials were received and reviewed by this office:

1. Site Plan consisting of 6 sheets prepared by Anthony R. Celentano, P.E.


4. SEQRA Short Environmental Assessment Form dated 8/19/20.

The following comments are submitted regarding this application for the Planning Boards consideration:

Introduction
The applicant has applied for the consideration of preliminary and final site plan approval in order to construct a two-story office building with a basement and 111 parking spaces. The subject property is located on the north side of Route 59 and has frontage on Yatto Lane, Summit Avenue and Tenure Avenue. The subject property has an area of 67,491 square feet and is located within the in the POR District.

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1 A portion of the property was previously located in the R-1 District, the applicant received a zone change so that the entire property is now within the POR District.
Application Status
The applicant is on for a public hearing before the Planning Board and it is the applicant’s fifth appearance before the Planning Board.

General Comments
1. The applicant should revise the application in accordance with their decision to apply for either a Zone change or a Use Variance. **Applicant is requesting a zone change. Completed.**
2. The applicant should provide the Planning Board with Part 1 of the SEQRA Full Environmental Assessment Form (FEAF). **Provided.**
3. The applicant would still require a substantial parking variance even with the zone change to construct parking in the current R-1 District. In addition, the FAR is substantially above what is permitted in the zone. We would recommend that the size of the building be reduced, which would also result in a lower parking requirement. Another benefit of reducing the amount of required parking would be a reduction in impervious coverage and would allow the applicant to provided landscaping to screen the proposed parking area form the single-family residences along Tenure Avenue.
4. The FAR which is already significantly greater than what is permitted does not include the basement area. The applicant should provide architectural plans to confirm if this area should be included. **According to the site development plan the basement area has been included in the FAR calculation. As further described in this memorandum there is a discrepancy between the site development plan and the architectural plans that needs to be addressed.**
5. With respect to the location of the parking area we would recommend at least a 10-foot setback form all property lines in order to provide landscaped buffer and mitigate any visual impact, especially for the single-family homes. **Not addressed.**
6. If the zone change is granted, we would recommend that the applicant submit a revised site development plan with a more conforming development.
7. As far as the SEQRA review for the zone change the applicant has provided sufficient information for the board to issue a negative declaration for referral to the Village Board for the consideration of the requested zone change.
8. Before any referral is made to the ZBA the applicant would need to return to the Planning Board with a revised site development plan as recommended.

New Comments
1. Details for the proposed fencing should be provided including height, type, material and color.
2. Dimensions of curb cut, aisle width and parking stalls shall be provided on the site development plan.
3. The site development plan and bulk table depict a two-story building with a basement, where the architectural plans depict a three-story building with a basement. It appears that the variances received for parking and FAR were based on the two-story building as shown on the site development plan. If the building is three stories plus the basement the applicant may need to get additional variance relief.
4. The proposed building height in feet should be shown in the bulk table on the site development plan. The architectural plans show a building height of 38 feet, where a maximum building height of 35 feet is permitted. The applicant would be required to seek an additional variance for this deviation.

5. The height of the building should be measured from the average elevation of the proposed finished grade along the wall of a building (or adjacent to the side of a nonbuilding use) to the highest point of the roof for flat roofs. It appears that this is not the case.

6. It also appears that on the architectural elevations the first floor will be partially below grade, where the site development plan shows the first-floor elevation to be at grade or slightly higher.

7. Parking calculations shall be shown on the site development plan. Parking requirements are based on gross floor area of a building.

8. Detailed FAR calculations shall be shown on the site development plan that are consistent with the architectural plans.

9. The architectural plans only show the front and right elevations, the rear and left elevations shall be shown as well.

10. The applicant shall provide testimony regarding the proposed landscaping that will serve as a buffer between the parking area and the residential homes on Tenure Avenue and Summit Avenue. The applicant indicated at the November 5, 2020 meeting that there would be no impact on the residential area because substantial screening would be provided between the parking area and those residential homes. It appears that some type of landscaping is proposed but it does not appear that there is sufficient space for the landscaping to grow.

11. The applicant shall provide testimony regarding the proposed site lighting as it appears that proposed lighting may spill onto the adjacent residential property.

12. The height of the proposed lights shall also be shown on the site development plan.

13. The proposed drainage system and connections should be more clearly identified on the site development plan. Testimony should also be provided regarding the measures to accommodate stormwater runoff.

14. Pursuant to §255-43C, a stormwater pollution prevention plan consistent with the requirements of Articles I and II of Chapter 222, Stormwater Management and Erosion and Sediment Control, shall be required for site plan approval. The SWPPP shall meet the performance and design criteria standards in Article II of Chapter 222.

State Environmental Quality Review Act (SEQRA)

Pursuant to SEQRA regulations this action is identified as an unlisted action. The Planning Board has taken the following actions related to the SEQRA review:

- Declaration of intent to be Lead Agency: ?
- Declaration of Lead Agency: ?
- Adoption of Part 2: October 21, 2020
- Adoption of Negative Declaration: November 5, 2020.

List of SEQRA Involved Agencies

1. Village of Spring Valley Planning Board
2. Village of Spring Valley Board of Trustees
3. Village of Spring Valley Board of Adjustment
4. New York State Department of Transportation (Possible)

Board Action
The applicant is on for a public hearing. There is still several outstanding items and clarifications that are needed. We would recommend that the Planning Board hear the application and continue it to the next available meeting so that the applicant can address the outstanding items.

Property Description
The subject property is located on the north side of Route 59 and also has frontage on Yatto Lane, Summit Avenue and Tenure Avenue. The property is comprised of six (6) tax lots that are located within the POR and R-1 Districts and has a lot area of 67,491 square feet. The properties are developed with several buildings that include a residential use along Tenure and commercial uses along Route 59. The land uses in the area reflect the underlying zoning. The subject property is bounded by single-family homes along both sides of Tenure and to the west opposite Summit Avenue, and commercial uses along Route 59 to the south, east and west.

The aerial photograph below shows the subject property and its relationship to the surrounding neighborhood.
The following map shows the lot that is the subject of this application in relation to the other lots in the area.

Proposed Development
The applicant’s proposal consists the construction of a two-story office building with 113 parking spaces. The proposed building will be situated near the front property line. Separate means of access is provided from Yatto Lane and Summit Avenue via two-way ingress/egress driveways.

Zoning Ordinance
- Permitted Uses – The subject property is located within the Village’s GB General Business District. Permitted uses in the GB District include uses of the Village of Spring Valley, uses of other governments, business or professional offices, parking lots or parking garages of the Village of Spring Valley, stores for sales at retail or performance of customary personal service or services clearly incident to retail sales, but not including sales of automobile parts.
or accessories involving installation at the point of sale, commercial indoor recreation facilities, theaters, auditoriums, banks, business or trade schools, libraries, museums or art galleries, medical laboratories, retail laundries, laundromats or retail dry cleaners, restaurants and cafeterias, churches and other places of worship and fast food restaurant. The proposed office use is a permitted use in the GB zone.

- **Bulk and Area Requirements** – The following table compares the proposed development to the bulk and area requirements of the zoning ordinance.

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<th>Zoning Requirements</th>
<th>Required</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Lot Area</td>
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<td>67,491</td>
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<td>Lot Width</td>
<td>105</td>
<td>250</td>
</tr>
<tr>
<td>Front Yard (Yatto)</td>
<td>30</td>
<td>25 (V) 16%</td>
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<tr>
<td>Front Yard (Summit)</td>
<td>30</td>
<td>23.9 (V) 20%</td>
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<tr>
<td>Front Yard (Route 59)</td>
<td>30</td>
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<td>Front Yard (Tenure)</td>
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<td>Rear Yard</td>
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<tr>
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<tr>
<td>FAR</td>
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<td>0.53 (V) 76%</td>
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<tr>
<td>Parking</td>
<td>144</td>
<td>111 (V) 22%</td>
</tr>
</tbody>
</table>

The applicant requires several variances for this proposed development as identified above. These variances were based on a two-story office building with a basement as originally submitted and reviewed.

The applicant would require the following additional variances or relief from the requirements of the zoning ordinance.

1. Parking – 144 parking spaces required, where 111 would be proposed.

The applicant should provide architectural plans to confirm the building height and FAR. It appears that the building height and FAR are greater than what was shown on the site development plan.

**Building Plans and Elevations**
Architectural building elevations and floor plans have been provided. Comment previously provided.

**Circulation and Parking**
See prior comments.
The office of the fire inspector should review and provide their comments on the proposed site plan, specifically related to areas of public safety and fire access. Pursuant to §255-40G of the code, “The site development plan shall provide for adequate fire truck maneuvering, sufficient fire hydrants, properly delineated fire lanes and adequate emergency access.”

**Landscaping Plan**
A landscaping plan has been provided. See previous comments.

**Lighting Plan**
A lighting plan has been provided. See previous comments.

**Stormwater Management**
The applicant indicates that they will comply with the requirements for a SPDES Permit and therefore there will be no impact as a result of the increase in stormwater runoff form the site.

cc: Applicant
February 11, 2021

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 67.38-1-66.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 2/5/2020

Date Review Received: 1/21/2021

Item: 2 COLLINS AVENUE (SV-872D)

An update to a previously-filed subdivision application for a revised site plan for a two-family dwelling on 0.17 acres in the R-2 zoning district. Interior garages have been eliminated and four parking outdoor parking spaces are provided. Variances are required for lot area, front yard, side yard, total side yard, rear yard, floor area ratio, and parking in the front yard.

The eastern side of Collins Avenue, approximately 350 feet south of West Church Street

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:

"Disapprove"

1. The subject site does not meet the minimum lot area standard of 8,500 square feet required for a single-family residence, and provides less than three-quarters of the lot area required for a two-family dwelling. The proposed two-family residence requires substantial yard variances to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the application be denied, and that only a single-family residence be permitted.

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2 COLLINS AVENUE (SV-872D)

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 proposed lot area is 73% of the required minimum. The front, side, total side, and rear yards are deficient by 28%, 33%, 10%, and 40%, respectively. The proposed floor area ratio exceeds the maximum standard by 48%. The ability of the existing infrastructure to accommodate increased residential density on 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. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal.

3. The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 460 feet to the west of the parcel. New York State General Municipal Law states that the purposes of Sections 239-i, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4. An updated review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them. In addition, the applicant must comply with all comments made by the Rockland County Sewer District No 1 in their letter of March 4, 2020.

5. An updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them. In addition, the applicant must comply with all comments made by the Rockland County Department of Health in their letter of March 3, 2020. The applicant must meet the Health Department's conditions of approval that were issued with the subdivision plat for 27 West Street, specifically, the requirement to construct a new sanitary sewer main.

6. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

7. There shall be no net increase in the peak rate of discharge from the site at all design points.

8. A floor area ratio calculation must be included on the site plan. It must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from floor area ratio calculations.

9. A turnaround area must be provided for the parking area to prevent vehicles from backing into the roadway.

10. The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
2 COLLINS AVENUE (SV-872D)

11. The date and case number of the Zoning Board of Appeals application in which variances were previously granted must be stated.

12. The parcel must be centered within the vicinity map.

13. All entrances, stairs, sidewalks, and window wells must be indicated on the site plan. The site plan must demonstrate that there are no encroachments into the required parking spaces.

14. The site plan must be amended to include a trash/refuse storage area.

15. Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

16. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.E.
Town of Ramapo Planning Board

Douglas J. Schuett
Acting Commissioner of Planning

Rockland County Planning Board Members

NYG 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 refers 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 charging a policy or practice that may result in a substantial burden on religious exercise, (2) by retaliating 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.

Pursuant to New York State General Municipal Law §239-m(f), the referring body shall file a report of final action if it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.