Village of Spring Valley Planning Board
Meeting Agenda
May 6, 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) 4 Jay Street – Consideration of a Subdivision Plat and Final Site Development Plan for a two-lot residential subdivision and construction of one (1) two-family home on each proposed lot for a total of 4 dwelling units.

b) 65 South Madison – Continued Public Hearing. Consideration of a Subdivision Plat and Final Site Development Plan for a two-lot residential subdivision and construction of one (1) two-family home on each proposed lot for a total of 4 dwelling units.

c) 89 South Main Street (UTA) – Consideration of a Final Site Development Plan to construct an auditorium and a storage trailer.
V. Old business

a) **86, 90-92 Lake Street** – Consideration of adoption of a SEQRA Negative Declaration for a Preliminary Site Development Plan to construct a 32-unit multifamily development.

b) **107-115 Bethune Boulevard** – Consideration of adoption of a SEQRA Negative Declaration for a Preliminary Site Development Plan for a proposed 18-unit residential multiple family development.

c) **271 Route 59 (Twin Terrace, LLC)** – Consideration of adoption of a SEQRA Part 2 for a Preliminary Site Development Plan for a proposed three-story, office building.

VI. New business

a) **268-272 Route 59, 4-6 West Street (Triangle Holdings Group, LLC)** – Application for a Preliminary Site Development Plan to construct a four-story office building with a partial fifth story. The Planning Board hereby issues it’s 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
MEMORANDUM

TO: Village of Spring Valley Planning Board
FROM: Michael D. Kauker, PP, AICP
Principal
DATE: April 21, 2021
SUBJECT: 4 Jay Street
Review # 4

The following materials were received and reviewed by this office:

1. Final Subdivision and Site Development Plan consisting of 6 sheets prepared by Anthony R. Celentano, P.E.:

3. SEQRA Short Environmental Assessment Form dated 12/10/20.

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

Introduction
The applicant has submitted an application for a two-lot subdivision in which one, two-family home is proposed to be constructed on each newly created lot. The applicant has modified the layout subsequent to comments made at the first Planning Board meeting. The subject property is an oddly shaped lot located at 4 Jay Street with frontage along Jay Street and East Castle Avenue. The site has an area of 16,308 square feet and is located within the R-2 District. The proposed development will require subdivision and site development plan approval (pursuant to
§255-38.B) from the Planning Board and variances from the ZBA. The application does not require a referral to the County for a GML review.

**Application Status**
The applicant is on for a public hearing before the Planning Board and it is the applicant’s fourth appearance before the Planning Board.

**General Comments**
1. The subject property is a very odd shape making it difficult for the lot to accommodate the proposed two lot subdivision with a total of four dwelling units. Approximately 3,762 square feet or 22% of the lot is undevelopable due to the configuration of the lot. **The applicant has modified the layout to better fit the oddly shaped property.**
2. We would recommend that the lots be reconfigured so that they are more normally shaped. **The modifications although proposing a flag lot, propose more regular lots than the first submission.**
3. The location of the play area is not the best location as it is in the front yard of two streets and because of its proximity to the street is not the safest location. **The play area is still in the same location concerns still stands.**
4. The distance from the deck to the property line shall be provided. **Decks have been eliminated.**
5. The applicant does provide a two-car garage for each unit, which is a positive aspect of this application. **Garages have been eliminated from the front lot but are still proposed for the rear lot.** We would recommend garages for the front lot or at least a turnaround so vehicles do not have to back out onto Jay Street. The parking layout for the front lot has been modified, we would recommend that the pavement be extended in the easterly portion of the aisle to allow vehicles sufficient space to back out.
6. Dimensions for all driveways and parking spaces should be provided. **Provided for parking spaces located on front lot. Parking spaces will be 9 feet by 18 feet and there is a 24 foot aisle width between parking spaces.**
7. I have a concern over the layout of the proposed dwelling units as the ground floor units could be easily converted to a separate dwelling unit as there is a full kitchen with a dinette, full bathrooms, living area and bedrooms. A review of the floor plans for unit 1 indicates that although there is access between floor 1 and floor 2 it could easily be eliminated to create a separate unit. I would also point out that the on the second floor there is a separate kitchen and also a separate Passover kitchen.

**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: n/a
- Declaration of Lead Agency: December 21, 2020
- Adoption of Part 2: January 6, 2021
4 Jay Street
Village of Spring Valley
April 21, 2021
Page 3

- Adoption of Negative Declaration: January 28, 2021

Board Action
Applicant is before the Planning Board for the consideration of a two-lot subdivision and preliminary and final site development plan.

Property Description
The subject property although technically a corner lot as it has frontage along Jay Street and East Castle Avenue has the majority of its frontage and is functionally located along Jay Street as the lot only has 15 feet of frontage along East Castle Avenue. The site has an area of 16,942 square feet although as mentioned above approximately 22% of the lot area is unusable because of the properties odd shape. The property is located within the R-2 District. The property is currently occupied by a two-story two-family dwelling.

The subject property is surrounded primarily by residential uses.

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 of a two-lot subdivision in which one, two-family home will be constructed on each lot. Proposed lot 1 will be an oddly shaped lot that will have frontage on Jay Street and East Castle Avenue and will have a lot area of 9,135 square feet. Proposed lot 2 is another oddly shaped lot and will have frontage on Jay Street and East Castle Avenue and will have a lot area of 9,100 square feet. Access to lots 1 and 2 is proposed from Jay Street. There are 4 surface parking spaces proposed for Lot 1 and a two-car garage for the two-family home on Lot 2. Pursuant to §229-41A, all new driveways and additions to existing driveways shall terminate no closer than five feet from the side yard property lines.
Zoning Ordinance

Permitted Uses — The subject property is located within the Village’s R-2 Residential District. Permitted uses in the R-2 District include One-family detached dwellings, Churches or other places of worship, Convent, Uses of the Village of Spring Valley, Uses of other governments, Public schools, One-family semiattached dwellings, Two-family detached dwellings. Government assisted housing is permitted by special permit form the Village Board. The applicant shall confirm and provide documentation that the proposed use will be government assisted housing.

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

<table>
<thead>
<tr>
<th>Zoning Requirements</th>
<th>Required Two-Family</th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>10,000</td>
<td>9,135 (V)</td>
<td>9,100 (V)</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100/105</td>
<td>176</td>
<td>20.6 (V)</td>
</tr>
<tr>
<td>Front Yard</td>
<td>25</td>
<td>19.7 (V)</td>
<td>10 (V)</td>
</tr>
<tr>
<td>Side Yard</td>
<td>15</td>
<td>10 (V)</td>
<td>10 (V)</td>
</tr>
<tr>
<td>Total Side Yard</td>
<td>30</td>
<td>23.5 (V)</td>
<td>43.5</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20</td>
<td>10 (V)</td>
<td>14.9 (V)</td>
</tr>
<tr>
<td>Bldg. Ht. (ft/st.)</td>
<td>35/3</td>
<td>35/3</td>
<td>35/3</td>
</tr>
<tr>
<td>FAR</td>
<td>0.65</td>
<td>0.65</td>
<td>0.65</td>
</tr>
</tbody>
</table>

The applicant requires a number of variances for this proposed development as identified above. Some of the yard requirements as listed in the bulk table were also incorrect and should be corrected to reflect the table above.

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

1. Pursuant to §229-41A, all new driveways and additions to existing driveways shall terminate no closer than five feet from the side yard property lines.

The applicant should provide architectural building elevations and floor plans in order to confirm the building height and FAR.

Building Plans and Elevations
Architectural Plans prepared by Jorge L. Lopez, Architect, PC have been provided. The plans depict a three-story two-family dwelling on Lot 1 and on Lot 2. There are 3 habitable stories all above grade and no basement is proposed.

Circulation and Parking
The applicant provides a two-car garage for the unit on Lot 2.
Stormwater Management
The applicant has provided a drainage plan and calculations prepared by Celentano Engineering, PLLC dated January 10, 2021, which addresses the stormwater impacts resulting from the proposed development of the site and provide for a zero-net increase in stormwater runoff from the site. It is proposed that 4 drywells will be constructed on site to accommodate the increase in stormwater runoff.

cc: Applicant
October 15, 2020

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

Tax Data: 57.54-1-34

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 9/1/2020

Item: 65 SOUTH MADISON AVENUE (SV-1008)

A two-lot subdivision of 0.30 acres in the R-2 zoning district. A two-family dwelling is proposed for each lot. Variances are required for lot area, lot width, front yard, side yard, rear yard, total side yard, and street frontage for both lots.

The western side of South Madison Avenue, approximately 305 feet north of Singer Avenue

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 Neither proposed lots meet the minimum lot area standard of 8,500 square feet required for single-family residences, and provide less than two-thirds of the lot area required for two-family dwellings. Both lots are non-conforming for width and street frontage, as well. The proposed two-family residences will require substantial bulk variances to accommodate oversized residential buildings on undersized parcels. 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. These lots are particularly deficient in meeting these more stringent standards. We recommend that the subdivision be denied, and that the property is developed in compliance with the Village's bulk requirements, which would include the construction of a two-family residence.
65 SOUTH MADISON AVENUE (SV-1008)

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 areas of lots 1 and 2 are 66% and 64% of the required minimum, respectively. Lot 1 has a lot width that is deficient by 49%, and the street frontage is deficient by 28%. Lot 2 has a lot width that is deficient by 13%, and the street frontage is deficient by 18%. For both lots, the front, side, rear, and total side yards are deficient by 20%, 33%, 25%, and 33%, respectively. 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, the subdivision must be denied 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 420 feet southwest 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-nn 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 A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.

5 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

6 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.

7 The bulk table indicates that the proposed structure will have two stories. This is not consistent with past applications. Virtually all of the applications for new residential structures that have been forwarded to this department for review in the recent past have proposed three stories. It is worth noting that the Village's zoning regulations establish different criteria for whether or not a basement is considered a story, and whether or not a basement level is counted towards gross floor area and subsequent floor area ratio calculations. To be clear, an exemption from being included in FAR calculations does not necessarily mean that a basement does not count as a story. The applicant must verify that either the proposed structure will have only two levels in total, or that a basement and two additional levels above it are proposed, and then demonstrate that the basement level does not meet the criteria for being counted as a story. This demonstration must include proposed exterior and interior elevations, average grade calculations, and a statement from the applicant's engineer that none of the criteria for being considered a story, as dictated by the Village's definition of a basement, apply. Any application that is revised due to a change in the number of stories must be sent to this department for review.
8 As previously mentioned, the FAR exemption for basements is independent of whether or not it is considered a story. If the proposed structure has more than two levels, then the site plan must be amended to include an FAR calculation. This calculation must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. Any application that is revised due to an increase in FAR must be sent to this department for review.

9 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.

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

11 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

12 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

13 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

14 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed side and rear decks comply with this section and do not include any enclosed spaces. In addition, no measurement is provided for the distance between the side decks and the property lines. The site plan must be amended to indicate that the required minimum distance of five feet is being maintained.

15 The proposed parking areas for both lots are inadequate. The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. Vehicles entering lot 1 will not be able to maneuver directly into space 1 due to the sharp angle of the accessway. Also, no turnaround area is provided for spaces 1 and 2 on lot 2, which will result in vehicles backing out into the roadway and create a hazard for pedestrians and motorists. The parking areas must be reconfigured to eliminate tandem parking spaces, improve maneuverability, and provide adequate turnaround areas.

16 Map note 1 provides an incorrect parcel identification number and map note 4 provides the incorrect square footage of the lot. The map notes must be corrected to indicate the parcel identification number is 57.54-1-34 and the square footage of the lot is 13,023 square feet.

17 The application form indicates the property receives water service from United Water. The form must be corrected to Suez. In addition, the referral form indicates that the parcel identification number is 49.76-1-30, and must be corrected.
18 The site plan must be amended to indicate that the existing accessway is to be removed.

19 The NYS Department of State has determined that the Village is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Village's administration and enforcement of the State Uniform Fire Prevention and Building Code initially raised in the Executive Deputy Secretary of State's letter of July 15, 2016, and subsequently again in December 18, 2017, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

20 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.

21 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  
New York State Department of State  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Drainage Agency  
Anthony R. Celentano P.E.  
Town of Ramapo Planning Board

Rockland County Planning Board Members

*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.

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(6), 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 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.
April 7, 2021

Hon. Moses Koth Chairman
Planning Board
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: 65 South Madison

Dear Chairman Koth:

   This office is counsel to applicant with respect to the Planning Board application for
realty located at the above-referenced location in the Village of Spring Valley.

   As part of the Planning Board’s’ review, it considers an October 15, 2020 review
conducted by the Rockland County Department of Planning, purportedly pursuant Sections 239
L & M of the General Municipal Law. The statutory purposes of said review is to address
regional and countywide planning concerns based on the project’s impacts on the Town of
Ramapo. Notwithstanding the foregoing, said review addresses areas outside the permitted of
scope of the said review and therefore impermissible for consideration.

   With respect to the Disapproval and Comments 1 and 2, this proposal is for a two-family
home. A 2-family home is a use permitted by right in the zone consistent with the density and
style of homes in the neighborhood. The variances were already granted and are not the subject
of further Planning Board action, rendering most of the commentary moot. Sufficient on-site
parking is provided, zero net runoff will be complied with and there is adequate public water and
sewer capacity. The applicant will pay any sewer impact fee. The Board should also note the
benefits to community character, including fire sprinklers, improved landscaping, lighting and
curbing and modern, energy efficient and less combustible building materials, as well as the
urgent need for additional housing to accommodate an array of family types. Override
requested.

   With respect to Comment 3, the Town of Ramapo has been notified and provided the
opportunity to comment on the application. No comments were received by the applicant. There
is therefore no need for further evaluation of the items listed in the comment. Override
requested.

   With respect to Comments 7 and 8, there are two stories plus a basement and no
exemption from FAR is utilized. Override requested.
With respect to Comments 11 and 12, the County Planning Department is without legal authority to compel a state-regulated public utility to issue such a letter. To the extent Comment 12 imposes requirements greater than state law, they should be overridden. **Override requested.**

With respect to Comment 14, the decks are uncovered and do not fall within this provision. **Override requested.**

With respect to Comment 15, the parking configuration is a standard building-side tandem layout repeatedly approved by both the Planning Board and the Zoning Board. Residents of the same unit are reasonably expected to coordinate their parking. There is no local requirement that prohibits tandem parking, which is a common feature of Village neighborhoods. Moreover, the idea that off-site parking will be promoted by this configuration has no empirical support. **Override requested.**

Very truly yours,

[Signature]

RYAN KARBEN
MEMORANDUM

TO: Village of Spring Valley Planning Board
FROM: Michael D. Kauker, PP, AICP
Principal
DATE: April 23, 2021
SUBJECT: 65 South Madison Avenue
Review # 6

The following materials were received and reviewed by this office:

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

4. SEQRA Short Environmental Assessment Form dated 9/10/20.

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

Introduction
The applicant has submitted an application for a two-lot subdivision in which one, two-family homes are proposed to be constructed on each newly created lot. The subject property is an interior lot located at 65 South Madison Avenue between West Funston Avenue to the north and Singer Avenue to the south. The site has an area of 13,023 square feet and is located within the R-2 District. The proposed development will require subdivision and site development plan approval (pursuant to §255-38.B) from the Planning Board and variances from the ZBA. The application also requires a referral to the County for a GML review.
Application Status
The applicant is on for a public hearing before the Planning Board and it is the applicant’s sixth appearance before the Planning Board.

General Comments
1. The proposed lots are undersized at 6,625 square feet and 6,398 square feet, where 10,000 square feet is required, thus resulting in an overdevelopment of the site. **Statement**
2. Pursuant to §229-41A, all new driveways and additions to existing driveways shall terminate no closer than five feet from the side yard property lines. **Located within 5 feet and would require a waiver form the Planning Board.**
3. We would recommend that the applicant provide garages with a driveway to accommodate 2 spaces for each unit. **Not addressed.**
4. Dimensions for parking areas including parking space and aisles should be provided. **Provided and are 9 feet by 18 feet with a minimum aisle width of 24 feet.**
5. The distance between the proposed decks and the property lines should be provided. **Provided and is 5 feet.**
6. The distance between the proposed driveways and parking spaces and the property lines should be provided. **Provided and is 4 feet and 1 foot.**
7. The applicant has provided a revised plan, but it appears the only change is that the proposed drywells have been removed. **Statement.**
8. The Planning Board was of the opinion that the proposed subdivision was out of character with the surrounding neighborhood. **Statement.**

New Comments
9. As a reminder to the board, it is still the opinion of this office that the best alternative for the provision of parking is to provide a one car garage for each unit with one parking space in the adjacent driveway. Ultimately, it is the Planning Boards decision as to the parking layout they feel is best. **Statement.**
10. There is very little open space on the property. **Statement.**
11. Garbage enclosures should be relocated to the side of the house. **Enclosures have been relocated.**
12. The parking spaces especially on the southerly lot may interfere with the entrance to the house. **Not addressed. This is a concern.**
13. The site plan and architectural plans appear to conflict as entrances to the proposed homes do not match. **Addressed.**
14. There is no interior connection between the basement and the upper floors. How will occupants access the upper floors form the basement? The concern is that the basement could be used as a separate dwelling unit. **Statement.**
15. It appears that the basement may be more than 6 feet above grade plane which would constitute a story above grade. **Not addressed. The applicant would need to submit compliant architectural plans to the building department prior to receiving a building permit. We would recommend that the basement floor be below grade pursuant to the code and that the main entrance not be form the basement but the
first floor. If the applicant does not comply with his requirement an FAR variance
would also be required.

16. Pursuant to §232-19A., land shall be reserved for park and playground purposes. Each
reservation shall be of suitable size, dimension, topography and general character for park
and playground purposes and shall have adequate street access for the purpose. Where
the Planning Board deems, with respect to a particular subdivision, that a reservation of
land would be inadequate in size for park or playground use, either alone or in
conjunction with abutting reservations on adjoining subdivisions, or otherwise
inappropriate for such use, the Planning Board shall waive the requirement for such
reservation, with the condition that the applicant deposit with the Village Clerk a cash
payment in lieu of land reservation. Such deposit shall be placed in a special fund to be
used for the purchase and development of sites for parks and playgroups in the village,
and the amount of such deposit shall be $1,000 per dwelling unit. Not provided on site
so the applicant will be required to pay a fee of $4,000.

17. The proposed decks are closer than 10 feet to the property line. It has come to my
attention that the ZBA places a condition on all variance applications that decks be
setback a minimum of 10 feet from all property lines.

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:

- Adoption of Negative Declaration: January 7, 2021.

Board Action
Applicant is before the Planning Board for the consideration of a two-lot subdivision and
preliminary and final site development plan.

Property Description
The subject property is an interior lot located on the southwest corner of South Madison Avenue
and West Funston Avenue. The site has an area of 13,023 square feet and is located within the
R-2 District. The property is currently occupied by two and one-half story, single-family
dwelling.

The subject property especially along South Madison is characterized primarily by lower density
single-family residential uses.

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 of a two-lot subdivision in which two, two-family homes will be constructed, one two-family dwelling on each lot. Proposed lot 1 will have frontage on South Madison Avenue and will have a lot area of 6,625 square feet. Proposed lot 2 will have frontage on South Madison Avenue and will have a lot area of 6,398 square feet. Access to both lots is provided from South Madison Avenue and there are 4 parking spaces proposed in the front yard for each of the proposed lots. The dimensions of the parking spaces and drive aisle shall be shown on the plan. Pursuant to §229-41A, all new driveways and additions to existing driveways shall terminate no closer than five feet from the side yard property lines. We would
recommend that the parking configuration be reconfigured so that the applicant provides a garage for each of the proposed units with an additional parking space in the driveway.

Zoning Ordinance

Permitted Uses – The subject property is located within the Village’s R-2 Residential District. Permitted uses in the R-2 District include One-family detached dwellings, Churches or other places of worship, Convent, Uses of the Village of Spring Valley, Uses of other governments, Public schools, One-family semiattached dwellings, Two-family detached dwellings. Government assisted housing is permitted by special permit form the Village Board. The applicant shall confirm and provide documentation that the proposed use will be government assisted housing.

• 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 Two-Family</th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 2</th>
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<td>50.70 (V)</td>
<td>57.18 (V)</td>
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<td>20 (V)</td>
<td>20 (V)</td>
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<td>20 (V)</td>
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</tr>
<tr>
<td>Rear Yard</td>
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<td>15 (V)</td>
<td>15 (V)</td>
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<tr>
<td>Bldg. Ht. (ft/st.)</td>
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<td>35/3</td>
<td>35/3</td>
</tr>
<tr>
<td>FAR</td>
<td>0.65</td>
<td>0.65</td>
<td>0.65</td>
</tr>
</tbody>
</table>

The applicant requires a number of variances for this proposed development as identified above.

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

1. Street Frontage of 70 feet is required, where 50.70 feet is proposed for lot 1 and 57.18 is proposed for lot 2.
2. Pursuant to §229-41A, all new driveways and additions to existing driveways shall terminate no closer than five feet from the side yard property lines.
3. Pursuant to 255-30A, no vehicle shall be parked or stored in any required fire lane.

The applicant should provide architectural building elevations and floor plans in order to confirm the building height and FAR.

Building Plans and Elevations
Should be provided.
Circulation and Parking
See comment above related to providing a combination garage and driveway that can accommodate 2 parking spaces each.

Stormwater Management
The applicant has provided drainage calculations prepared by Celentano Engineering, PLLC dated December 13, 2020, that show stormwater will be accommodated by installing three (3) drywells on the site. The 3 drywells will allow for a zero net increase in stormwater runoff will be achieved.

cc: Applicant
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

January 28, 2021

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

Tax Data: 57.62-1-27

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/17/2020

Date Review Received: 1/7/2021

Item: 89 SOUTH MAIN STREET - UNITED TALMUDICAL ACADEMY (SV-599H)

A site plan application to construct an auditorium and add fencing for an existing private school on 9.18 acres in the R-2 zoning district. Variances are required for sections 255-22.G(1) (height of fence within front yards) and 255-22.H (visibility at intersections) for the fence. Variances were previously granted for number of parking spaces and to allow more than one principal use on site.

The southern side of Singer Avenue, bounded on the west by South Madison Avenue and bounded on the east by South Main Street

Reason for Referral:

Chestnut Ridge Road/South Main Street (NYS Route 45), Old Nyack Turnpike (CR 52), Town of Ramapo, Village of Chestnut Ridge

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. A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

2. A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

3. A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
4 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

5 The Town of Ramapo and the Village of Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Ramapo boundary is adjacent to the southern property line of the parcel. The Chestnut Ridge Boundary is approximately 170 feet south 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-nn 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 and the Village of Chestnut Ridge 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 these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

10 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
11 The site plan indicates that there are a total of six trailers on site. According to a narrative for a previous application made by Ira M. Emanuel, P.C., dated February 1, 2013, variances for the placement of the trailers were granted by the Zoning Board of Appeals on January 9, 2013 with the condition that all trailers will be removed within three years. The Village must clarify the status of the on-site trailers. If there are any on-site trailers that have exceeded their allotted length of time, they must be removed prior to the granting of any approvals, or an additional variance must be obtained for them. Any additional variance applications must be forwarded to this department for review.

12 According to the site plan, the central macadam area, with access from South Main Street and South Madison Avenue, does not include any pavement markings for parking spaces, crosswalks or traffic circulation. Aerial photographs indicate that this area has been used for car and bus parking and for student drop-off areas. The site plan must be amended to indicate how safe and efficient traffic circulation will be achieved. Specific areas for bus and car parking, drop-off zones, crosswalks, and directional markings must be provided. The Village must be assured that adequate protection for pedestrians is provided.

13 The bulk table indicates that the proposed Floor Area Ratio will be less than 0.30. General estimates for bulk requirements are not acceptable. The bulk table must be amended to provide a specific FAR.

14 The site plan does not indicate any breaks or gates in the proposed fences at various access points along South Main Street and South Madison Avenue. The site plan must be amended to show how vehicle and pedestrian access will be maintained.

15 The proposed fence requires a variance from Section 255-22.H of the village zoning regulations, which prohibits impediments to visibility at intersections. To prevent the creation of an unacceptable hazard to pedestrians and motorists, the Village must condition its approval with a requirement that only chainlink fencing, with no privacy screens or other visual impediments, be used within the required 75’ restricted area.

16 If any additional exterior lighting is proposed, 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.

17 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by staff, especially since less than the required number of spaces are provided.

18 A landscaping plan and a grading plan shall be submitted for our review.

19 The proposed auditorium is located in an area currently designated as play area and athletic fields. The applicant must demonstrate that sufficient open and recreational space remains to meet the school’s needs and requirements.

20 The site plan shall contain map notes, including district information.

21 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

22 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.
89 SOUTH MAIN STREET - UNITED TALMUDICAL ACADEMY (SV-699H)

23  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
     New York State Department of Transportation
     Rockland County Department of Health
     Rockland County Department of Highways
     Rockland County Sewer District #1
     Anthony R. Celentano P.E.
     Town of Ramapo Planning Board
     Village of Chestnut Ridge Planning Board

Douglas J. Schueta
Acting Commissioner of Planning

*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.

Pursuant to New York State General Municipal Law §239-m(6), 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 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.
MEMORANDUM

TO: Village of Spring Valley Planning Board
FROM: Michael D. Kauker, PP, AICP
Principal
DATE: April 23, 2021
SUBJECT: 89 South Main Street (United Talmudical Academy)
Review # 5

The following materials were received and reviewed by this office:

1. Site Plan consisting of 6 sheets prepared for United Talmudical Academy by Anthony R. Celentano, P.E.:

2. Application Form dated 12/16/19.
4. SEQRA Short Environmental Assessment Form dated 1/3/20.

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

Introduction
An application has been submitted to the Planning Board for consideration of a preliminary and final site development plan to construct an auditorium. The subject property is located at 89 South Main Street in the Village for Spring Valley. The subject property is located within the R-2 Residential District. The proposed development will require site plan approval from the Planning Board.

Application Status
The applicant is on for a public hearing before the Planning Board and it is the applicant’s fourth appearance before the Planning Board.
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: March 5, 2020.

Board Action
The applicant is on for a public hearing, the Planning Board may vote on the application if it so desires.

General Comments
1. The Site Plan provided is dated as it was prepared in 2016. This should be updated to ensure all site conditions are current. Corrected.
2. The bulk table on the plan is incorrect. The bulk table on the plans indicates the required lot width is 100 feet, where it is 125 feet for a corner lot and front yard setback is 30 feet, where it is 35 feet. This should be corrected on the bulk table. Corrected.
3. Setbacks dimensions for the proposed storage trailer should be provided. Storage trailer removed.

New Comments
4. The applicant shall provide architectural elevations and floor plans. Floor plans provided.
5. There is an existing chain link fence with green fabric covering located along the South Madison Avenue and Singer Avenue frontages that is in fair to poor condition. There is also an existing tree line along most of South Madison Avenue and a small portion of Singer Avenue. The Planning Board should consider alternatives to upgrade the aesthetic appearance of the fence, including but not limited to the following:
   a. Replacement of the fence.
   b. Additional landscaping along the fence.
6. One other issue with the existing fence and some of the existing trees located near the corner of South Madison and Singer is that they encroach into the required site triangle.
7. As currently proposed the landscaping may also interfere with the existing trees and existing fence. In addition, because of the existing trees and fence there is no benefit to the neighborhood as the landscaping would not be visible. Discussion regarding the yard areas and the relationship to the building and street along South Madison and Singer should be discussed.
8. The applicant shall provide more specific detail regarding the lighting and the location, type and height of the fixtures shall be clearly shown on the site development plan.
Property Description
The subject property located at 89 South Main Street in the R-2 District. The property has a lot area of 399,930 square feet. The property is currently occupied by a private school with multiple buildings and uses.

The subject property is surrounded primarily by residential uses.

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 19,200 square foot (240 feet by 80 feet) building to be used by the school as an auditorium. It appears that no other development is proposed, but this should be confirmed by the applicant. The use of the auditorium should be described in more detail. Will it be used or rented out for use other than the school?

Zoning Ordinance
- Permitted Uses – The subject property is located within the Village’s R-2 Residential District. Permitted uses in the R-2 District include One-family detached dwellings, Churches or other places of worship, Convents, Uses of the Village of Spring Valley, Uses of other governments, Public schools, One-family semi-attached dwellings and Two-family detached
dwellings. The proposed use is accessory to a private secondary or elementary school which is permitted by a special permit in the R-2 District.

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

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<tr>
<th>Zoning Requirements</th>
<th>Required</th>
<th>Proposed</th>
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<td>Lot Width</td>
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<td>Front Yard</td>
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<td>Side Yard</td>
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<td>Rear Yard</td>
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<tr>
<td>Bldg. Ht. (ft/st.)</td>
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<td>35 ft. / 1 story</td>
</tr>
<tr>
<td>FAR</td>
<td>0.30</td>
<td>&lt; 0.30</td>
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</tbody>
</table>

1. Detailed FAR calculations should be provided.  
2. The applicant should provide architectural plans to confirm the building height and FAR.

Building Plans and Elevations
Should be provided.

Circulation and Parking
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
Provided, see comments above.

Lighting Plan
It appears that the proposed lighting consists of 14 separate light fixtures, but it is not clear from the plan if they will be building mounted lights or free standing pole mounted lights. The applicant shall provide more specific detail regarding the lighting and the location, type and height of the fixtures shall be clearly shown on the site development plan.

Stormwater Management
The applicant has provided Drainage Calculations that show the applicant can achieve a zero net increase in stormwater runoff by constructing 14 drywells on the property.

cc: Applicant