AGENDA:

127 maple Ave

This project is before the Zoning Board of Appeals (ZBA) for a reapproval of variances granted on January 22nd, 2020. The subject property is located on the south side of Maple Ave, 121 ft east from intersection of Hoffman St and Maple Ave in a PLI zone. The property is designated on the Town of Ramapo Tax Map as Section 57.30 Block 1 Lot 20. The applicant is seeking variances for a proposed Two-Story building with a basement. The variances are as follows: Lot Area: 20,000 sf required, 7,354 sf provided (New); Front Yard: 15 ft required, 5 ft provided (No longer needed); Side Yard: 10 ft required, 5ft provided(Granted); Rear Yard: 20 ft required, 8.4 ft provided (Granted) 20 ft required, 7 ft provided (New);Total Side Yard:20 ft required, 11.6 provided (New); Number of spaces: 10 spaces required, 9 spaces provided(Granted); FAR: Max allowed .5, .6 proposed (New); section 255-34-no loading berths provided

Applicant: Jakob Karnoil

37 Yale Dr.

The subject property is located on the south side of Yale Dr, approx. 277 ft east of Charles Lane in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as Section 49.76 block 1 lot 56. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot width: 85 ft required,75.14 ft provided; 15 ft required,12.8 ft provided; Total Side Yard:30 ft required, 27.5 ft provided; Parking Spaces: 4 spaces required, 2 spaces provided

Applicant: Cong. Chasdei Meir Inc

14 Youmans Dr.

The subject property is located on the west side of Youmans Dr. approx. 476 ft north of Bluefield Dr. in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 50.61 block 1 lot 17. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 8,560 sf provided; Lot Width: 100 ft required, 66.63 ft provided; Front Depth: 25 ft required, 21 ft provided; Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 15 ft provided; Total Side yard: 30 ft required, 20 ft provided; Street Frontage: 70 ft required, 60 ft provided

Applicant: Moses Friedman

17 union Rd

The subject property is located on the west side of Union Rd, north of Maple Ave in a GB zone. The property is designated on the Town of Ramapo Tax Map as Section 57.22 block 2 lot 13. The applicant is seeking variances for proposed Multi-Family Dwelling. The requested variances are as follows: Rear Yard: 50 ft required; 11.8 ft provided

Applicant: All Fresh Farms LLC.

25 S. Cole Ave

The subject property is located on the west side of S. Cole Ave 0 ft north of Route 59 in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.53 block 1 lot 34. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Width: 105 ft required, 82.22 ft provided (Cole); Front Yard: 25 ft required, 24.8 ft provided (Cole), 25 ft required, 15 ft provided (59)

Applicant: Shaindy Kahan

27 S Cole

The subject property is located on the west side of S. Cole Ave approx. 82 ft north of Route 59 in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.53 block 1 lot 35. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 7,147 sf provided; Lot Width: 100 ft required, 47.7 ft provided (Cole); Front Yard: 25 ft required, 19.9 ft provided (Cole); Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 15 ft provided; Total Side Yard: 30 ft required, 20 ft provided

Applicant: Usher Kahan

Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 20, 2020

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

Tax Data: 49.76-1-56

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/31/2020 **Date Review Received:** 2/28/2020

Item: ***37 YALE DRIVE (SV-995)***

Variances to permit the conversion of an existing single-family dwelling to a two-family dwelling located on 0.197 acres in the R-1A zoning district. The variances required include lot width, side yard, total side yard, and parking.
South side of Yale Drive, approximately 78 feet west of Dr. Frank Road

Reason for Referral:

Town of Ramapo

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

Recommend the following modifications

1 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the southern boundary of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide 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 which 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.

37 YALE DRIVE (SV-995)

2 Pages 8 to 12 of the Application Review Form are not completed, and no project narrative was provided. These pages, especially Part II of the Application Review Form, must be completed and a narrative provided to both the Village Boards as well as other involved agencies, so that it can fully be understood what is being proposed for this parcel.

3 It must be clarified what variances are required. The bulk table only indicates a variance for parking is being sought, however the lot width, side yard, and total side yards are also deficient in meeting the requirements for a two-family dwelling located in the R-1A zoning district. As mentioned above, page 10 of the Application Review Form, the page that states which variances are required, is blank. If the public hearing notice was issued with incorrect information, it must be reissued with the correct variances.

4 As no project narrative was submitted, it is unclear if the existing single-family dwelling will be converted to a two-family dwelling or if a new two-family dwelling is to be constructed. As stated above, a project narrative must be provided that clarifies this.

5 The applicant must comply with the comments made by the Rockland County Department of Health in their letter of March 6, 2020.

6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

7 The proposed parking spaces must be illustrated on the site plan, especially since less than the required number of spaces is being provided.

8 The bulk table states the required lot width is 85 feet. This shall be corrected to 80 feet.

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

10 The site plan shall include map notes that list all appropriate information, including the district details. A vicinity map with a north arrow and scale must also be provided.

11 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.

12 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1

Robert E. Sorace, PLS
Town of Ramapo

37 YALE DRIVE (SV-995)

Ryan Karben

**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.

Rockland County

Ed Day, Rockland County Executive

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 19, 2020

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

Tax Data: 50.61-1-17

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/18/2019 **Date Review Received:** 2/28/2020

Item: ***14 YOUMANS DRIVE (SV-996)***

A variance application to allow the construction of a two-family dwelling on 0.20 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, rear yard, and street frontage.
The western side of Youmans Drive, approximately 320 feet south of Stetner 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:

Recommend the following modifications

1 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 parcel provides only 86% of the required minimum lot area and only 67% of the required minimum lot width for a two-family use. Street frontage is 86% of the required minimum. The front and rear yards are deficient by 16% and 25%,respecitvely. The side and total side yards deficient by 33%. 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. The proposed two-family dwelling must be reduced in size so that it better complies with the Village's zoning regulations.

14 YOUMANS DRIVE (SV-996)

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the western property line of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 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.

3 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of March 6, 2020.

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

5 A turnaround area must be provided to prevent vehicles from backing out of parking spaces into the roadway.

6 The site plan must include an FAR calculation that includes 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.

7 The map notes must include information about the parcel, such as the owner and zoning district.

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

9 Page ten of the application review form does not include the required variances for the front yard, rear yard, and street frontage. The form must be corrected. The public hearing notice must be reviewed and, if it contains inaccurate or incomplete information, re-issued.

10 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.

11 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.

14 YOUMANS DRIVE (SV-996)

12 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.E.
Town of Ramapo Planning Board

**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.

Rockland County

Ed Day, Rockland County Executive

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 30, 2020

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

Tax Data: 57.22-2-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/20/2020 **Date Review Received:** 2/28/2020

Item: ***17 UNION ROAD - MULTIFAMILY DWELLING (SV-794G)***

A variance application to allow the construction of a 24-unit multifamily dwelling on 0.98 acres in the GB zoning district. Variances were previously granted for lot width, front yard, side yard, rear yard, floor area ratio, and number of units per acre. An additional variance for the rear yard is requested.
The northwestern corner of Union Road and Gesner Drive

Reason for Referral:

Pascack Brook

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 proposed multifamily dwelling requires several substantial bulk variances in order to be developed. The Village zoning regulations authorizes the Zoning Board of Appeals to "vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships..." The subject property is a regularly-shaped parcel with sufficient lot area for multi-family use. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. The application, therefore, does not represent a request for relief from a hardship, but rather is a request to overdevelop the property. Bulk requirements, such as minimum yard size and limits on the number of residential units per acre, serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this application be disapproved, and that the property be developed within the requirements of the village zoning regulations.

17 UNION ROAD - MULTIFAMILY DWELLING (SV-794G)

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 lot width is deficient by 6%. The front, side, and rear yards are deficient by 17%, 50%, and 76%, respectively. The floor area ratio exceeds the maximum standard by 40%. Lastly, the proposed 24 units exceed the maximum number of units based on the lot area by 41%. 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. The number of units and the overall size of the structure must be reduced to comply with the Village's bulk requirements.

The following comments address our additional concerns about this proposal.

3 According to the bulk table, several variances were previously granted. The most recent review of a variance application made by this department for this property was issued on February 1, 2019, and was based on a site plan dated August 1, 2015. The variances requested in that application do not match the variances indicated in the bulk table as previously granted. Specifically, the bulk table of the current application indicates that variances were granted for a 10' side yard, a 22' rear yard, and a floor area ratio of 0.84. However, the application based on the August 1, 2015 site plan proposed a 15' side yard, a 10' rear yard, and a floor area ratio of 1.01. Based on these inconsistencies, it appears that variances were granted for this property that were not reviewed by this department.

The Village must review the previous variance application and confirm that any previously granted variances were properly forwarded to the Rockland County Planning Department for review. Any variances that were based on a site plan other than the August 1, 2015 version have not been properly referred to this department and have not met the requirements of the General Municipal Law. A new variance application must be made and forwarded to this department for review.

4 An updated 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.

5 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter January 3, 2020.

6 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

7 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.

8 A turnaround area must be provided for parking spaces 27 and 28.

9 A walkway that provides pedestrian access to the play area must be provided.

10 The site plan must provide a floor area ratio calculation that includes a floor-by-floor tally of gross floor area and a statement, if applicable, that the basement is exempt due to ceiling height.

11 The map notes shall include district information.

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

17 UNION ROAD - MULTIFAMILY DWELLING (SV-794G)

13 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

14 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, decks, and window wells must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes. In addition, a specific height to the building eaves must be provided in order to determine if an aerial apparatus road is required.

15 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.

16 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.

17 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of State
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Anthony R. Celentano P.E.

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.

17 UNION ROAD - MULTIFAMILY DWELLING (SV-794G)

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.

Rockland County

Ed Day, Rockland County Executive

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 2, 2020

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

Tax Data: 57.53-1-34

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/3/2020 **Date Review Received:** 6/24/2020

Item: ***25 SOUTH COLE AVENUE (SV-977A)***

A variance application to allow the construction of a two-family dwelling on a corner lot with 0.26 acres in the R-2 zoning district. Variances are requested for lot width (South Cole Avenue) and front yards (NYS Route 59 and South Cole Avenue).
The southwestern corner of the intersection of South Cole Avenue and NYS Route 59

Reason for Referral:

NYS Route 59

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 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 lot width along the South Cole Avenue frontage is deficient by 22%. The NYS Route 59 front yard is deficient by 40%. 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.

2 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.

3 A review must be completed by the County of Rockland Sewer District No. 1 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.

25 SOUTH COLE AVENUE (SV-977A)

5 A variance application for the southernly adjacent property (27 South Cole Avenue, parcel 57.53-1-35) was forwarded to this department for review. The site plan provided for this review indicates that a 10-foot wide access and parking easement is proposed along the southern property line of 25 South Cole Avenue, with parking spaces 3 and 4 to be used by residents of 27 South Cole Avenue. The site plan for 25 South Cole Avenue does not include this easement. The applicant must clarify their intentions in regard to this parking and access easement. If parking spaces for 27 South Cole Avenue are to be provided on 25 South Cole Avenue, the site plan for 25 South Cole Avenue must be amended to include this easement prior to the granting of approvals for either property.

6 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents, which will be exacerbated by minimal size of the tightly-packed spaces. 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. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

7 The site plan shall contain map notes, including district information. In addition, the vicinity map is not centered on the parcel and does not display any information regarding streets or properties east of the site. The vicinity map must be amended to center the parcel and display all streets and parcels within the general area.

8 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that all proposed decks and entries comply with this section and do not include any enclosed spaces. In addition, no distance is provided for the proposed decks along the Route 59 frontage. Section 255.22.C requires all decks to be a minimum of five feet from all property lines. The site plan must be amended to indicate that the decks along the Route 59 frontage will comply with this section and must provide a proposed distance from the property line.

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

10 The site plan includes a line that indicates the allowed building envelope. The building envelope line is only 23 feet from the front (Route 59) property line, not 25 feet. The site plan must be amended to indicate the correct building envelope.

11 The site plan indicates that the proposed retaining wall will have a height of 10 feet. To minimize the visual impact, the site plan must be amended to use multiple, tiered walls with a minimum of five feet between walls and landscaping provided between tiers.

12 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

13 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.

14 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 SOUTH COLE AVENUE (SV-977A)

15 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of State
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.E.

**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.

Rockland County

Ed Day, Rockland County Executive

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 Miller
Deputy Commissioner

July 2, 2020

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

Tax Data: 57.53-1-35

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/3/2020 **Date Review Received:** 6/24/2020

Item: ***27 SOUTH COLE AVENUE (SV-997)***

A variance application to allow the construction of a two-family dwelling on 0.16 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, rear yard, and street frontage.

The western side of South Cole Avenue, approximately 85 feet south of NYS Route 59

Reason for Referral:

NYS Route 59

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 lot itself is non-conforming for width, as well. The proposed two-family residence will require substantial yard variances to accommodate an oversized residential building on an undersized parcel. Two of the four required parking spaces are proposed to be located on the northernly adjacent property through the use of an access easement, which further demonstrates the parcel's unsuitability for use as a two-family. 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 required variances be denied, and that only a single-family residence be permitted.

27 SOUTH COLE AVENUE (SV-997)

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 71% of the required minimum. The lot width is deficient by 52%. Street frontage is 68% of the required minimum. The side and total side yards are deficient by 33%. The front and rear yards are deficient by 20% and 25%, 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, 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 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.

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

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

6 The site plan shall contain map notes, including district information. In addition, the vicinity map is not centered on the parcel and does not display any information regarding streets or properties east of the site. The vicinity map must be amended to center the parcel and display all streets and parcels within the general area.

7 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 decks comply with this section and do not include any enclosed spaces.

8 The bulk table indicates that the lot provides 222.67 feet of frontage. However, the metes and bounds of the site plan indicate that street frontage of the site is 47.33 feet. The bulk table must be corrected and indicate that a variance for street frontage is required. The public hearing notice must be reviewed and, if it does not include all required variances, re-issued.

9 Two of the required four parking spaces are proposed to be located on the northernly adjacent property. Deed restrictions must be filed prior to the granting of building permits. In addition, the site plan submitted as part of a variance application for 25 South Cole Avenue must be amended to include the parking and access easement.

10 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents, which will be exacerbated by the minimal size and tight arrangement of the spaces. 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. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

11 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.

27 SOUTH COLE AVENUE (SV-997)

12 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.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of State
Rockland County Department of Health
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Anthony R. Celentano P.E.

Rockland County Planning Board Members

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