AGENDA:

Village of Spring Valley
Zoning Board Agenda
November 23rd, 2020

Zoning Board Members
- Moshe Hopstein, Chairman
- Ghulam Fani, Vice Chairman
- Eli Solomon
- Martha Patrick
- Simon Deutsch
- Abel Torres-Rivera

A. Call to Order
B. Pledge of Allegiance

1. 6 King Terrace
   The subject property is located on the south side of King Terrace, 85 ft west of Anthony Drive in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.70 block 1 lot 61. The applicant is seeking variances for a proposed Two-Family dwelling. The requested variances are as follows: Lot Area: 9,000 sf required, 6,767 sf provided; Lot Width: 90 ft required, 77.7 ft provided; Front Yard: 25 ft required, 20.6 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided
   
   **Applicant:** 6 King Terrace LLC

2. 14 Memorial Park Drive-Continued
   The subject property is located on the east side of Memorial Park Drive, approx. 285 ft north of Allison St in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.32 block 1 lot 1. The applicant is seeking variances for a proposed Two Lot subdivision with two family dwelling on each lot. The requested variances are as follows: Lot Area: 10,000 sf required, 5,442 sf provided (Lot 1), 10,000 sf required, 5,152 sf provided (Lot 2); Lot Width: 100 ft required, 50 ft provided (Lot 1), 100 ft required, 50 ft provided (Lot 2); Street Frontage: 70 ft required, 50 ft provided (Lot 1), 70 ft required, 50 ft provided (Lot 2); Front Yard: 25 ft required, 18.7 ft provided (Lot 2); Side Yard: 15 ft required, 10 ft provided (Lot 1), 15 ft required, 10 ft provided (Lot 2); Rear Yard: 20 ft required, 15 ft provided (Lot 1), 20 ft required, 15 ft provided (Lot 2); Total Side Yard: 30 ft required, 20 ft provided (Lot 1), 30 ft required, 20 ft provided (Lot 2) FAR: Max allowed .65 , .93 proposed (Lot 1); Max allowed .65 required, 1.18 provided.
   
   **Applicant:** Joel Fekete
3. **73 North Cole Ave**
The subject property is located on the North side of North Cole Ave, 480 ft from intersection of Stephens Place and Maple Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as Section 57.29 block 1 lot 62. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Front Yard: 25 ft required, 22 ft (granted) 20 ft provided; Rear Yard: 20 ft required, 18 ft (granted) 10 ft provided; FAR: Max allowed .65, .67 (granted) .75 proposed
**Applicant: North Cole Associates LLC**

4. **34 Yale Dr.**
The subject property is located on the north side of Yale Dr, 100 feet west of Dr Frank Dr in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 49.76 block 1 lot 30. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 8,500 sf required, 8,312 sf provided; Lot Width: 80 ft required, 76 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided; FAR: Max allowed .65, .75 proposed
**Applicant: Schwartz Erika**

5. **3 Dr. Frank Dr.**
The subject property is located on the west side of Dr. Frank Dr., 103 ft north of Yale Dr in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 49.76 block 1 lot 18. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 8,500 sf required, 7,354 sf provided; Lot Width: 80 ft required, 74.6 ft provided; Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided; FAR: Max allowed .65, .75 proposed
**Applicant: Schwartz Samuel**
DEPARTMENT OF PLANNING
Dr. Robert L. Yoeger Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434  Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 12, 2020

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

Tax Data:  50.70-1-51

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/10/2020  Date Review Received: 10/20/2020

Item:  6 KING TERRACE (SV-1011)

A variance application to allow the construction of a two-family dwelling on 0.16 acres in the R-1A zoning district. Variances are requested for lot area, lot width, front yard, side yard, and total side yard. The southern side of King Terrace, approximately 85 feet west of Anthony Drive

Reason for Referral:

Town of Ramapo, 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

The GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the architectural drawings provided by Moshe Goldklang & Associates, Inc. dated August 6, 2020, depict a structure with four dwelling units, based on the Village’s definition of a Dwelling Unit. The basement level is divided into two physical spaces. Each basement space, as well as the first and second floor units, contain bedrooms, a kitchen, full bathrooms, laundry facilities, provides a separate entry, and are physically separated from the other units. The stairwell connections in the northeastern and northwest corner of the structure act as common entries and do not constitute a continuation of living space.

Multifamily structures are not a permitted use in the R-1A zoning district. In addition, the four parking spaces provided are inadequate for the four units depicted in the architectural drawings. The application must be disapproved and the property must be developed within the allowed uses of the R-1A zoning district.

The following comments address our additional concerns about this proposal.
6 KING TERRACE (SV-101I)

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 and width are 80% and 97% of the required minimums, respectively. The front yard is deficient by 18%. Both the side and total side yards are 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 proposal must be reduced in size to better comply with the bulk requirements of the Village.

3 The bulk table indicates that the minimum lot area is 9,000 square feet and the minimum lot width is 90 feet. The R-1A zoning district has a minimum lot area of 8,500 square feet and a minimum lot width of 80 feet for a detached two-family dwelling. The bulk table must be corrected.

4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 300 feet northeast and 405 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-rr 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.

5 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.

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

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

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

9 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements, but still requires that decks maintain a minimum distance of five feet from all property lines. The site plan must be amended to indicate distances from property lines and demonstrate that the proposed decks comply with the minimum setback requirement.

10 A turnaround area must be provided for parking spaces two and four so that vehicles are not forced to back into the roadway.
6 KING TERRACE (SV-1011)

11 In recent years, the Rockland County Planning Department has been raising an issue regarding significant discrepancies with the floor area ratio (FAR) provided on site plans. The attorney for the Village's ZBA wrote to the County explaining that the FAR does not include the basement if it is 7.6 or less in height. While we are cognizant of the definition for FAR regarding the basement height for the Village, we still have questions regarding the ratio provided on the plans. To date, we have still not received any plans that provide the needed information to make an informed decision regarding the FAR calculation. Given the information provided, we believe that this application has a noteworthy discrepancy with the FAR that must be addressed.

The site plan indicates that the proposed structure will have three stories and an FAR of 0.65. However, the site plan shows a building footprint of approximately 2,500 square feet. Assuming each story will have a gross floor area equal to the footprint, the proposed structure will have an overall gross floor area of approximately 7,500 square feet. This would result in an FAR of 1.11. Although this is an estimate, an FAR of 1.11 is 71% greater than the allowed maximum FAR of 0.65. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structure will conform to the Village's FAR requirement; an FAR calculation must be provided on the site plan. 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. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

12 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.

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

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

[Signature]
Douglas J. Schuetz
Acting Commissioner of Planning
6 KING TERRACE (SV-1011)

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 refers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

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

Pursuant to New York State General Municipal Law §239-m(5), 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.
February 13, 2020

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

Tax Data: 57.32-1-1

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

Map Date: 4/5/2019

Item: 14 MEMORIAL PARK DRIVE (SV-971A)

Variances to permit a two-lot subdivision of a 0.28-acre parcel in the R-2 zoning district. A two family dwelling is proposed on each lot. Both lots require variances for lot area, lot width, street frontage, side yard, rear yard, total side yard, and floor area ratio. The parcel is partially located within the FEMA floodplain.

Eastern side of Memorial Park Drive, approximately 435 feet south of Columbus Avenue

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 existing parcel has a net lot area of slightly more than the 10,000 square feet necessary for a single two-family dwelling in the R-2 zoning district. Neither of the proposed lots meet the minimum lot area standard of 8,500 square feet required for single-family residences, and provide only slightly more than one-half of the lot area, and exactly one-half of the lot width, required for two-family dwellings. Several other substantial bulk variances are requested for this subdivision, and the subsequent construction of oversized residential buildings on undersized parcels. In addition, the site is environmentally constrained as approximately one third of the property is located within the floodplain. 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. The substantial increase of residential density in this neighborhood 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 proposed subdivision is particularly deficient in meeting these more stringent standards and is compounded by the fact that the site is located within the floodplain. The variances for the subdivision must be denied. The property must be developed in a manner that is consistent with the Village's zoning regulations, which includes the construction of a single two-family dwelling.
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 overutilization of this site is further exacerbated by the environmental constraints imposed by its location within a floodplain. The proposed net lot areas are 54% and 52% of the required minimums. Both lot widths are 80% of the minimum. The street frontage is only 71% of the required minimum. The side and total side yards for both lots are deficient by 33%, and their rear yards are deficient by 25%. The proposed floor area ratios exceed the maximum limit by 17%. The ability of the existing infrastructure to accommodate increased residential density on environmentally constrained, 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. Village officials have previously expressed concern to this department about the increasing traffic congestion along the Route 45 corridor and its impact on emergency services' response time. In direct contradiction to these concerns, the Village's land use boards override our GML recommendations and allow increased residential density on undersized lots such as the subject site. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and further hampering the response time of emergency vehicles. The Village must consider the cumulative and regional impacts of permitting such development. As indicated above, this application must be denied and only a single two-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 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 3, 2020.

5 As per the June 25, 2019 letter from the Rockland County Drainage Agency, the subject site is within the jurisdiction of the RCDA and a permit from them is required for developments within the site.

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 designated floodplain administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

8 When our department previously reviewed the proposal for the subdivision of this parcel on July 1, 2019, the proposed floor area ratio was 1.2 for both lots. It has since been reduced to 0.76 for both lots, however no changes on the site plan have been made to either structure. It must be explained as to how the floor area ratio has been reduced, as we believe it is being understated. Because of this, the calculation for floor area ratio must be shown on the site plan. If it is being understated, a new variance application must be submitted for the greater floor area ratio.

9 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. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

10 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 rear decks comply with this section and do not include any enclosed spaces.
14 MEMORIAL PARK DRIVE (SV-971A)

11. The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, entries, 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, it must be demonstrated that these features will not impact yard requirements or parking maneuverability.

12. The site plan provided with this application has a date of April 5, 2019. That is the same date as the site plan provided for our previous review, dated July 1, 2019, as mentioned above. However, the bulk table has been updated since the previous review. A revision table must be provided that states the most recent date the site plan has been revised.

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

14. The map notes shall include district information. The applicant's engineer has been reminded of the importance of including such details.

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. As per Section 255-28.J of the Village's zoning regulations, developments within the Floodplain Overlay District require special permit approval by the Village Board. We request the opportunity to review the special permit application, and any other variances that may be needed, as required by New York State General Municipal Law.

17. 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.

18. 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. Scheidt
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
    Federal Emergency Management Agency
    New York State Department of State
    Rockland County Department of Health
    Rockland County Drainage Agency
    Rockland County Sewer District #1
    Anthony R. Celenano P.L.S.
14 MEMORIAL PARK DRIVE (SV-971A)

Construction Expediting Inc

Rockland County Planning Board Members

"WYS 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 mandate 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 § 236-md(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."
Hon. Moshe Hopstein, Chairman
Zoning Board of Appeals
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: 14 Memorial Park

Dear Chairman Hopstein:

This office counsel to applicant with respect to the Zoning Board of Appeals applications for realty located at the above-referenced location in the Village of Spring Valley. As part of the Zoning Board of Appeals’ review, it considers a February 13, 2020 review conducted by the Rockland County Department of Planning, purportedly pursuant Sections 239 L & M of the General Municipal Law.

The statutory purpose of the review is to address regional and countywide planning concerns based on the project’s impact on Pascaek Brook. No such impacts are noted. Said review addresses areas outside its permitted of scope that are reserved to the exclusive jurisdiction of the Zoning Board of Appeals.

With respect to the Disapproval and Comments 1 and 2, this is a use permitted in the zone. There is adequate public water and sewer capacity. The applicant will pay any sewer impact fee. This is desired redevelopment of a lot in a neighborhood with apartment buildings, multi-family developments, public housing and commercial uses. Moreover, the project is consistent with land use approvals in the recent past, which include the subdividing of larger lots. Sufficient on-site parking is provided. Moreover, the Village may note benefits associated with the redevelopment of older housing stock with modern replacement housing stock, modern fire suppression, enhanced landscaping and marked parking spaces. There are positive community benefits associated with redevelopment which are noted by the Board, along with the evaluation of other relevant items. The Zoning Board evaluates all impacts. Override requested.

With respect to Comment 5, no Drainage Agency permits are required and the Drainage Agency has no jurisdiction. Override requested.

With respect to Comment 7, no such approval is required. Override requested.

With respect to Comment 8, the applicant has agreed to reduce the FAR to the percentage shown and that is a condition of the approval. Final calculations are provided at the time of the Building Permit. Override requested.
With respect to Comment 9, the tandem parking is standard configuration for local construction in Spring Valley and permitted by the local code. **Override requested.**

With respect to Comment 16, the project is not in the overlay district. **Override requested.**

Very truly yours,

[Signature]

RYAN KARBEN
September 29, 2020

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

Tax Data: 57.29-1-6.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Date Review Received: 9/9/2020

Item: 73A NORTH COLE AVENUE (SV-875D)

A variance application to allow the construction of two-family residence on 0.12 acres in the R-2 zoning district. Variances were previously granted for lot area, lot width, front yard, side yard, total side yard, rear yard, floor area ratio, and street frontage. Additional variances are requested for front yard, rear yard, and floor area ratio.
The western side of North Cole Avenue, approximately 300 feet south of Maple 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 The subject site does not meet the minimum lot area standard of 8,500 square feet required for a single-family residence, and provides approximately one-half of the lot area required for a two-family dwelling. The lot itself is non-conforming for width and street frontage, as well. The subject property has already been granted relief by the Zoning Board, which has previously granted substantial bulk variances. The proposed two-family residence requires additional yard and floor area ratio variances in order to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. The requested variances must be denied, and the property developed as previously approved.
73A NORTH COLE AVENUE (SV-875D)

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent in the overutilization of individual sites. As previously mentioned, the subject property has already received substantial bulk variances. The current proposal would result in the front and rear yards being deficient by 20% and 50%, respectively. The proposed FAR exceeds the maximum standard by 15%. 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, no more relief may be granted to this property. The application must be denied, and the building reduced.

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 adjacent to the western property line. New York State General Municipal Law states that the purposes of Sections 239-1, 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 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 of September 17, 2020.

6 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.

7 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.
73A NORTH COLE AVENUE (SV-875D)

8 The use of tandem parking spaces prevents egress for vehicles parked behind 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. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

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

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 raised in the Executive Deputy Secretary of State’s letter of July 15, 2016, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

11 As shown, the proposed residential building may require a variance from the New York State Uniform Fire Prevention and Building Code since the proposed stairwell and decks are located closer than ten feet to the property line.

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.

13 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 Health
Rockland County Department of Health
Rockland County Sewer District #1
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 13-B of the New York General Municipal Law. Under Article 13-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.

Pursuant to New York State General Municipal Law §399-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.
October 16, 2020

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

Tax Data: 49.76-1-30

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/25/2020
Date Review Received: 9/18/2020

Item: 34 YALE DRIVE (SV-1007)

A variance application to allow the construction of a two-family residence on 0.19 acres in the R-1A zoning district. Variances are requested for lot area, lot width, side yard, total side yard, and floor area ratio.

The northern side of Yale Drive, approximately 95 feet east of Dana 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. 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 and lot width are 98% and 76% of the required minimums, respectfully. The side and total side yards are deficient by 33%. The floor area ratio exceeds the maximum standard by 16%. 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 proposal must be reduced in size to better comply with the bulk requirements of the Village.
2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 165 feet south, and 375 feet north, 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 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 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 site plan bulk table, the application review form, and the GML referral form indicate that the property is located within the R-2 zoning district. A zoning map currently available on the Village’s website, which has a date of May 2007, indicates that the property is located in the R-1 zoning district. However, maps maintained by the Rockland County GIS division indicate that the property is located within the R-1A zoning district. The R-1A zone designation is supported by documentation provided to the County. This includes Local Law 10 of 2010, which amended the Village zoning map to expand the R-1A zoning district to include the subject property. There is no indication that this area of the Village was subsequently rezoned to either the R-1 or R-2 zoning district.

The application materials and bulk table of the site plan must be corrected, and the accurate bulk requirements indicated. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued. In addition, the Village should consider updating the online version of the zoning map to reflect the most recent amendments.

6 The bulk table does not indicate how many stories are proposed. This information must be included.

7 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.

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

9 A floor area ratio calculation must be provided on the site plan. 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.

10 The site plan shall contain map notes, including district information. In addition, the parcel must be centered within the vicinity map.

11 A turnaround area must be provided for the parking area so that vehicles do not back into the roadway.
34 YALE DRIVE (SV-1007)

12 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, and that these features do not conflict with the parking areas.

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.

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.

cc: Mayor Alan Simon, Spring Valley
    Rockland County Department of Health
    Rockland County Sewer District #1
    New York State Department of State
    Civil Tec
    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 12-8 of the New York General Municipal Law. Under Article 12-8 the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed indicates 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 redefining 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(3), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A 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. ’

Douglas J. Scheidt
Acting Commissioner of Planning
October 16, 2020

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

Tax Data: 49.76-1-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/26/2020

Item: 3 DR. FRANK ROAD (SV-1006)

A variance application to allow the construction of a two-family residence on 0.17 acres in the R-1A zoning district. Variances are requested for lot area, lot width, side yard, rear yard, total side yard, and floor area ratio.

The western side of Dr. Frank Road, approximately 125 feet north of Yale Drive

Reason for Referral:
Town of Ramapo

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

*Recommend the following modifications

1 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 and lot width are 87% and 95% of the required minimums, respectfully. The rear yard is deficient by 50%, and the side and total side yards are deficient by 33%. The floor area ratio exceeds the maximum standard by 15%. 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 proposal must be reduced in size to better comply with the bulk requirements of the Village.
3 DR. FRANK ROAD (SV-1008)

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 265 feet south and 295 feet north 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-mm 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 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 site plan bulk table, the application review form, and the GML referral form indicate that the property is located within the R-2 zoning district. A zoning map currently available on the Village's website, which has a date of May 2007, indicates that the property is located in the R-1 zoning district. However, maps maintained by the Rockland County GIS division indicate that the property is located within the R-1A zoning district. The R-1A zone designation is supported by documentation provided to the County. This includes Local Law 10 of 2010, which amended the Village zoning map to expand the R-1A zoning district to include the subject property. There is no indication that this area of the Village was subsequently rezoned to either the R-1 or R-2 zoning district.

The application materials and bulk table of the site plan must be corrected, and the accurate bulk requirements indicated. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued. In addition, the Village should consider updating the online version of the zoning map to reflect the most recent amendments.

6 The bulk table does not indicate how many stories are proposed. This information must be included.

7 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.

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

9 A floor area ratio calculation must be provided on the site plan. 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.

10 The site plan shall contain map notes, including district information. In addition, the parcel must be centered within the vicinity map.

11 A turnaround area must be provided for the parking area so that vehicles do not back into the roadway.
3 DR. FRANK ROAD (SV-1006)

12. 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, and to ensure that there are no conflicts with the parking area.

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 18, 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.

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.

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Civil Tec
Town of Ramapo Planning Board

Douglas J. Schultz
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 refers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the presumptive 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 629-m(d), 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.