AGENDA:

Village of Spring Valley
Zoning Board Agenda
November 24th, 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

Valley Springs will be pushed to Dec 9th meeting

1. 14 Anthony Drive
   The subject property is located on the East side 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 66. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 8,500 sf required, 6,000 sf provided; Lot Width: 85 ft required, 60 ft provided; Front yard: 25 ft required, 23 ft provided; Side Yard: 15 ft required, 5 ft provided; 30 ft required, 10 ft provided; Street Frontage: 70 ft required, 60 ft provided
   Applicant: Moses Friedman

2. 13 Charles Lane
   The subject property is located on the west side of Charles Lane, approx. 100 ft South of Yale Drive in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 49.76 block 1 lot 26. The applicant is seeking variances for a proposed two-family dwelling. The requested variances are as follows: Lot Area: 8,500 sf required, 7,507 sf provided; Lot Width: 80 ft required, 77.6 ft provided; Front Yard: 25 ft required, 20 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided
   Applicant: Jacob Drezer

3. 36 Paikin Drive
   The subject property is located on the East side of Paikin Dr., 0 ft south of intersection of Marman Place and Paikin Drive in a R-2 Zone. The property is designated on the Town of Ramapo Tax Map as section 50.77 block 2 lot 9. The applicant is seeking variances for a proposed two-family dwelling. The requested variances are as follows: Lot Width: 105 ft required, 84.25 ft provided (Marman Place); Front yard: 25 ft required, 12.8 ft provided (Paikin Dr.); 25 ft required, 8 ft provided (Marman Pl); Side Yard: 15 ft required, 10 ft provided
Applicant: Joel Leovits

4. **400-402 West Central Ave**
The subject property is located on the west side of South Myrtle Ave, 0 ft south from the intersection of West Central Ave, and South Myrtle Ave in a POR zone. The property is designated on the Town of Ramapo Tax Map as section 57.46 block 1 lot 43. The applicant is seeking variances for a proposed 7 Unit Multi-Family Dwelling. The requested variances are as follows: Lot Area: 25,000 sf required, 20,400 sf provided; Front Yard: 35 ft required, 14.3 ft provided (W. Central Ave), 35 ft required, 15 ft provided (S. Myrtle Ave); Side Yard: 20 ft required, 10 ft provided; Rear Yard: 40 ft required, 10 ft provided; FAR: Max allowed .30, .90 proposed

Applicant: Joseph Edelstein

5. **19 Dr. Frank Dr.**
The subject property is located on the west side of Dr. Frank Dr., 380 ft south from the intersection of Fox Lane and Dr. Frank Dr. in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 49.68 block 2 lot 18. The applicant is seeking variances for a proposed single-family dwelling. The requested variances are as follows: Side yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided

Applicant: Sam Pollak
November 19, 2020

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

Tax Data: 50.70-1.66

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/7/2020

Item: 14 ANTHONY DRIVE (SV-1014)

A variance application to allow the construction of a two-family dwelling on 0.14 acres in the R-1A zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, rear yard, and street frontage.

The eastern side of Anthony Drive, approximately 200 feet south of King Terrace

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:

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 width are 71% of the required minimums. The street frontage is deficient by 14%. The front yard is deficient by 8% and the side and total side yards are deficient by 67%. 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 structure must be reduced in size to more closely conform to the Village’s bulk requirements.
2 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 290 feet south and 380 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-n(n) was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

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 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

6 The bulk table indicates that a side yard of five feet and a total side yard of ten feet are proposed. However, the site plan indicates that there are side yards of six feet, for a total side yard of 12 feet, as measured to a basement stairwell. The applicant must clarify the correct side and total side yards. The bulk table must be corrected and, if it contains inaccurate information, the public hearing notice must be corrected and re-issued.

7 The basement entrance stairwells are adjacent to the proposed parking spaces. The site plan does not indicate the orientation of the basement entrance stairwells or depict any protective bollards. The site plan must be amended to provide adequate protection for pedestrians exiting the basement from vehicles pulling into the parking spaces.

8 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.

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

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

11 Section 265.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed front and rear decks comply with this section and do not include any enclosed spaces.
12 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 7.5’ 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 less than three stories, the meaning of which is not entirely clear, and an FAR of 0.65. However, the site plan shows a building footprint of approximately 2,280 square feet. Assuming there are three stories, and each story will have a gross floor area equal to the footprint, the proposed structure will have an overall gross floor area of approximately 8,840 square feet. This would result in an FAR of 1.14. Although this is an estimate, an FAR of 1.14 is 75% 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.

13 The bulk table indicates that four parking spaces are both required and provided, but also indicates that a variance is required. The bulk table must be corrected.

14 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.

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

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

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

Page 3 of 4
'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.

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

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 19, 2020

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

Tax Data: 49.76-1-26

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/21/2020

Date Review Received: 10/22/2020

Item: 13 CHARLES LANE (SV-1016)

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

The western side of Charles Lane, approximately 100 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:

*Disapprove

1 The GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the unsigned architectural drawings provided, dated September 4, 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 two side-by-side units above, contain bedrooms, a kitchen, full bathrooms, laundry facilities, and provides a separate entry. A simple lock on the doors leading from the front entries to the basement spaces will physically separate them from the units above.

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.
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 88% and 97% of the required minimums, respectfully. The front yard is deficient by 20%. 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 Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 360 feet north and 295 feet southwest 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.

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

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

7 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.

8 The basement level side doors exit directly onto the proposed parking spaces, creating a hazard for pedestrians exiting the structure. The entries must be relocated to provide a safe point of access for residents.

9 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.
10 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.

11 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
    Anthony R. Celelanto P.E.
    Town of Ramapo Planning Board

Rockland County Planning Board Members

NY State 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-q of the New York General Municipal Law. Under Article 12-q 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 makes 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 §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.
PROPOSED TWO-FAMILY DWELLING FOR:
13 CHARLES LANE
VILLAGE OF SPRING VALLEY
ROCKLAND COUNTY, NEW YORK

SCALE: N.T.S.
DATE: 09/04/20
DESIGN BY: S.O.
PROPOSED TWO-FAMILY DWELLING FOR:
13 CHARLES LANE
VILLAGE OF SPRING VALLEY
ROCKLAND COUNTY, NEW YORK

SCALE: N.T.S.
DATE: 09/04/20
DESIGN BY: S.O.
November 12, 2020

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

Tax Data: 50.77-2-9

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/27/2020

Item: 36 PAIKIN DRIVE (SV-1012)

A variance application to allow the construction of a two-family dwelling on a corner lot with 0.23 acres in the R-2 zoning district. Variances are requested for lot width (Marman Place), front yards (Paikin Drive and Marman Place), and side yard. The northeastern corner of Paikin Drive and Marman Place

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 Marman Place lot width is 50% of the minimum requirement. The Paikin Drive and Marman Place front yards are deficient by 50% and 68%, respectively. The side yard is 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.
2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 75 feet north, and 150 feet west, of the parcel. New York State General Municipal Law states that the purposes of Sections 239-i, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character, population density, and the relation between residential and nonresidential areas. In addition, Section 239-m 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 proposed structure does not comply with Section 255-22.H of the village zoning regulations, which prohibits impediments to visibility at intersections. This is an unacceptable hazard to motorists and pedestrians. The building must be reduced in size and reconfigured to comply with this section of the regulations.

6 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 7.5' 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 3,819 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 11,457 square feet. This would result in an FAR of 1.13. Although this is an estimate, an FAR of 1.13 is 74% 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.

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 A turnaround area must be provided for parking spaces 1 and 2 so that vehicles are not forced to back into the roadway.
9 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 16, 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.

10 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.

11 In addition, pursuant to Executive Order 01-2017 signed by County Executive Den 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
Anthony R. Celentano P.E.
Town of Ramapo Planning Board

Douglas J. Schuetz
Acting Commissioner of Planning

*NYC 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 forwards the item reviewed to render such opinions and makes 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.

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

Pursuant to New York State General Municipal Law §206-3(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.
Spring Valley ZBA
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: Final ZBA Application for
Premises: 19 Dr. Frank Drive
Spring Valley, New York 10977

Dear Chairman Hopstein & ZBA Board Members,

Kindly let this letter serve to confirm that this office represents the applicant for property located at 19 Dr. Frank Drive in the Village of Spring Valley. As part of the ZBA review the Rockland County Department of Planning has supplied a letter dated November 13, 2020 pursuant to section 239 of the General municipal Law. The purpose of this review is the property’s proximity to the Town of Ramapo. The Planning Department review issued recommendations along with 9 comments.

The applicant is requesting an override for the recommended modifications and comments #4. The balance of the comments are acceptable to the applicant and will be addressed.

As to the modifications and #4 of the GML letter dated November 13, 2020

a. As to comment #4 the premises is a one-family home, the applicant has to provide a one car garage. Applicant will provide a turnaround.

b. Comment #1 – Applicant will comply
c. Comment #2 – Applicant will comply
d. Comment #3 – Applicant will comply
e. Comment #5 – Applicant will comply
f. Comment #6 – Applicant will comply
g. Comment #7 – Applicant will comply
h. Comment #8 – Applicant will comply
i. Comment #9 – Applicant will comply

Very Truly Yours,
JAMES D. LICATA

JDL/sk
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

November 13, 2020

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

Tax Data: 49.68-2-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 I and M
Map Date: 7/9/2019

Date Review Received: 10/20/2020

Item: 19 DR. FRANK DRIVE (SV-1009)

A variance application to allow the construction of a single-family dwelling on 0.24 acres in the R-1A zoning district. Variances are requested for side and total side yards.
The western side of Dr. Frank Drive, approximately 350 feet south of Fox Lane

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 approximately 170 feet east of the site. As required under Section 238nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of Spring Valley.

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 turnaround area must be provided so that vehicles do not have to back into the roadway.

5. 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 deck complies with this section and does not include any enclosed space.
19 DR. FRANK DRIVE (SV-1009)

6 The parcel's boundaries have a different orientation on the site plan compared to the vicinity map, yet the north arrows for both the site plan and the vicinity map are in the same orientation. The incorrect north arrow must be identified and corrected.

7 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 16, 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.

8 Pursuant to General Municipal Law (GML) Section 239-m and 239-r, 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.

9 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
     Anthony R. Ceintano P.E.
     Town of Ramapo Planning Board

Douglas J. Scrueda
Acting Commissioner of Planning

*NY 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 13-a of the County of Rockland does not render opinions, nor does it make determinations, whether the items reviewed implicate 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 prescriptive force of any prohibition 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.

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

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