AGENDA:

Village of Spring Valley
Zoning Board Agenda
December 9th, 2020

Zoning Board Members
• Moshe Hopstein, Chairman
• Ghulam Fani, Vice Chairman
• Eli Solomon
• Martha Patrick
• Simon Deutsch

A. Call to Order
B. Pledge of Allegiance

1. 24 Chestnut St
   The subject property is located on the south side of Rt 59 at intersection of Chestnut St and Madison Ave in a PO zone. The Property is designated on the Town of Ramapo Tax Map as section 57.46 block 1 lot 26. The applicant is seeking variances to replace a sign. The variances are as follows:
   Village Code section 209-6b (1): Max allowed 6 sf, 34 sf proposed; Village Code section 209-8a: 25 ft required(setback), 3 ft proposed
   Applicant: Finkelstein Memorial Library

2. 35 Eleener Lane
   The subject property is located on the north side of Eleener Ln, approx. 77 ft west of N. Rigaud Rd in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.53 block 1 lot 20. The applicant is seeking variances for a proposed Two-Family Dwelling. The variances are as follows: Lot Area: 8,500sf required, 7,559 sf provided; Lot Width 90 ft required, 74.94 ft provided. Side Yard: 15 ft required, 11.4 ft provided; Total Side Yard:30 ft required, 22.8 ft provided
   Applicant: Moshe Schwartz

3. Valley Springs Apartments (103 N. Main St)-Continued
   The subject property is located on west side of Rt 45, 0 ft of Lawler Blvd in a GB zone. The property is designated on the Town of Ramapo Tax Map as section 57.31 block 1 lot 6.7. The applicant is seeking variances for a proposed affordable apartment building. The variances are as follows: Number of dwellings per acre: 18.1 required, 67 proposed; Parking: 100 spaces required, 67 provided
   Applicant: Rockland Housing Action Coalition Inc.
4. **93 N. Cole Ave**
The subject property is located on the west side of N. Cole Ave, 146 ft north of Maple Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.21 block 1 lot 23. The applicant is seeking variances for a proposed two-family dwelling. The variances are as follows: Lot Area: 10,000 sf required, 6,000 sf proposed; Lot Width: 100 ft required, 50 ft provided; Street Frontage: 70 ft required, 50 ft provided; Side Yard: 15 ft proposed, 10 ft required; Total Side Yard: 30 ft required, 20 ft proposed
**Applicant: G Ruby Realty LLC**

5. **324 rt 59**
The subject property is located on the north side of Rt 59, 0 ft west from the intersection of Yatto Lane and Rt 59 in a POR/R-1 zone. The property is designated on the Town of Ramapo Tax Map as section 57.45 block 1 lot 5,6,7,18,19, and 20. The applicant is seeking variances for a proposed Two-Story Office Building. The variances are as follows: Front Yard: 30 ft required, 23.9 ft provided (Summit), 30 ft required, 25 ft provided (Rt 59), 30 ft required, 25 ft provided (Yatto); FAR: Max allowed .30, .53 proposed; Parking Spaces: 144 required, 113 provided
**Applicant: Yakov Grunwald**

6. **34 Yale Dr.-Continued**
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**

7. **3 Dr. Frank Dr.-Continued**
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**
November 25, 2020

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

Tax Data: 60.63-1-20

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

Item: 35 ELENER LANE (SV-1017)

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, side yard, and total side yard.

The northern side of Elener Lane, approximately 100 feet east of North Rigaud 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 width are 89% and 94% of the required minimums. The side and total side yards are deficient by 24%. 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 the reason this proposal was referred to this department for review. The municipal boundary is approximately 235 feet west of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

3. 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 turnaround area must be provided for the parking spaces so that vehicles are not forced to back out into the roadway.

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

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. In addition, the front decks appear to encroach upon the parking area. The village must ensure that the decks and any support structures do not interfere with the maneuvering of vehicles on site.

8. 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 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 0.99. Although this is an estimate, an FAR of 0.99 is 53% 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.
35 ELENER LANE (SV-1017)

9 The bulk table indicates that minimum required lot width is 90 feet. The bulk table must be corrected to 80 feet.

10 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.

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

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

Douglas Schuetz
Acting Commissioner of Planning

"NYS General Municipal Law Section 239 requires a vote of a ‘majority plus one’ of your agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

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

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief. Pursuant to New York State General Municipal Law §239-m(8), 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."
35 ELENEER LANE

PROPOSED TWO-FAMILY DETACHED DWELLING FOR:

35 ELENEER LANE

ROCKLAND COUNTY, NEW YORK
VILLAGE OF SPRING VALLEY

HARMAN DESIGN
August 28, 2020

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

Tax Data: 57.31-1-7
57.31-1-6

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

Date Review Received: 8/6/2020

Item: VALLEY SPRING APARTMENTS - 103 NORTH MAIN STREET (SV-896C)

A variance application to construct a five-story, 67-unit multifamily structure for low-income and supported housing on 1.01 acres in the GB zoning district and Downtown Urban Renewal Overlay District. A basement-level community facility that fronts onto North Main Street is proposed. One of the two parcels is divided by Madison Avenue. Variances are requested for number of units per acre and number of parking spaces. The southwestern corner of North Main Street and Lawler Boulevard, and spanning the east and west sides of Madison Avenue.

Reason for Referral:
North Main Street (NYS Route 45)

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 proposed multifamily structure will provide affordable and subsidized housing to low-income residents, in addition to providing daycare and social services within the street-level community center. The County is generally supportive of these efforts to enhance the community’s social infrastructure and provide expanded housing opportunities to its residents. While the Rockland County Planning Department is appreciative of the goals and objectives behind the affordable housing proposal, the size, design, density, and degree of non-conformity of the project would create substantial land use impacts if allowed. Although other departments of the County and the Village of Spring Valley have other priorities concerning the provision of affordable housing, this Department’s evaluation must be based upon our even-handed application of planning principles to all projects we review. The development should be designed so that it more closely complies with the zoning regulations currently in place so that the provision of affordable housing, a priority for the County’s Office of Community Development and the Village of Spring Valley can be achieved. Our specific concerns are articulated in more detail in the following comments.
VALLEY SPRING APARTMENTS - 103 NORTH MAIN STREET (SV-696C)

1 This proposal requires significant variances for the number of units allowed on a site of this size and the number of parking spaces provided, despite utilizing the substantially less restrictive bulk requirements of the Downtown Urban Renewal Overlay District. The Village zoning regulations authorize the Zoning Board of Appeals to "vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships..." The subject property is a regularly-shaped parcel with sufficient lot area for multi-family use. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. The application, therefore, does not represent a request for relief from a hardship, but rather is a request to overdevelop the property. Bulk requirements, such as limits on the number of residential units per acre, serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this application be disapproved, the size and number of units be reduced, and that the property be developed within the requirements of the village zoning regulations.

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 number of units exceeds the maximum number allowed on a parcel of this size by 272%. 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 application must be disapproved, and the property developed within its capacity.

3 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 Zoning Board of Appeals overrides our GML recommendations by granting variances to allow increased residential density. 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. Due to the proposed residential density, and the project's proximity to Route 45, the application must be disapproved.

4 This project requires over a 33% variance to reduce the number of parking spaces from 101 to 67. Not only are one-third fewer parking spaces proposed, but the parking layout depicted on the site plan has several deficiencies, which will impair traffic flow through the site and reduce the functional number of spaces. No turnaround area is provided for space 25. Parking spaces 12, 34, and 67 are located in close proximity to the accessway, creating a conflict between vehicles using these spaces and vehicles entering the site. Space 24 is depicted as a parallel-parking space, but there is no accessway from which to back into the space on the site plan SP-1 by Bart M. Rodi. These deficiencies arise from attempting to provide more parking spaces than can be reasonably accommodated on an undersized site. Because of these inadequacies, the application must be disapproved.

The following comments address our additional concerns about this proposal:

5 The proposed structure is 142.5' in length and will extend 64.5' above North Main Street to the roof parapet. Although these dimensions are compliant with the bulk requirements of the Downtown Urban Renewal District, the structure is located on the North Main Street property line, and creates a massive, undifferentiated block along an active highway. Other similarly sized structures along the North Main Street corridor are three to four stories in height, recessed from property lines, and provide architectural features to help break up their facades. The proposed structure will be out of scale with the surrounding neighborhood and will have a negative impact on the North Main Street streetscape. The structure must be redesigned to mitigate these impacts by reducing the number of stories, providing architectural features to break up its façade, and providing recesses from the property line.

6 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
VALLEY SPRING APARTMENTS - 103 NORTH MAIN STREET (SV-696C)

7 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.

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

9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises. A fire truck circulation plan must be provided. Fire lanes and fire connections must be depicted on the site plan and must be unimpeded by parked vehicles in order to maintain emergency access.

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

11 The structure is labelled on the site plan as having five stories. However, the bulk table indicates that the proposed structure will have six stories. The site plan must be amended to include the average grade calculations necessary to determine whether or not the basement level meets the Village's definition of a story, and the bulk table or the site plan label must be corrected, as appropriate.

12 The bulk table indicates that 100 parking spaces are required. With 1.5 spaces required per unit, the required number of spaces for 67 units is 100.5, which must be rounded up to 101 spaces. The bulk table must be corrected. The public hearing notice must be corrected so that the extent of the variance is accurately depicted.

13 The site plan shall contain map notes, including district information. In addition, the vicinity map provided on sheet SP-1 highlights the incorrect parcels and the roadway names cannot be deciphered. The vicinity map must be amended to highlight the correct parcels and provide legible street labels.

14 The site plan must be amended to include a pedestrian crosswalk across Madison Avenue for residents using the parking spaces on the western portion of the property.

15 The pavement marking indicated on the site plan on the western side of parcel 57.31-1-7, as well as the sheet A-002.00 of the architectural plans provided by WCB Architecture PLLC, appear to depict that the parking accessway is proposed to connect to parcel 57.31-1-16 to the south. Clarification must be provided as to whether parking circulation will extend into the neighboring parcel. If this is proposed, then parcel 57.31-1-16 must be completely depicted on the site plan and access easements provided. If not, then the parking area boundary along the southern property line must be delineated, showing the full extent of its design.

16 Sheet SP-1 of the site plan illustrates one entryway along North Main Street at the northeastern corner of the building. Architectural drawing A-001.00 shows two entrances along Main Street at the middle and southern end of the façade. All materials must be consistent. The applicant must clarify the location of all entrances and the appropriate materials must be corrected.

17 The rendering shown on architectural drawing G-002 does not illustrate the same parking and landscaping configuration as sheet SP-1 of the site plan. In addition, the rendering displays a larger fourth floor terrace than what is depicted on architectural drawing A-004.00. All materials must be consistent. The rendering must be amended to match the site plan and architectural drawings so that it provides an accurate visualization of the project.
VALLEY SPRING APARTMENTS - 103 NORTH MAIN STREET (SV-696C)

18. 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, 2010, 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.

19. 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.

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

cc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
Bart M. Rodi

Rockland County Planning Board Members

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

In this regard, 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.

Proposals 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), 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.

[Signature]
Acting Commissioner of Planning
November 13, 2020

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

Tax Data: 57.05-1-65 57.21-1-23

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/22/2020

Date Review Received: 10/20/2020

Item: 93 NORTH COLE AVENUE (SV-1015)
A variance application to allow the construction of a two-family dwelling on 0.14 acres in the R-2 zoning district. Variances are requested for lot area, lot width, side yard, and total side yard. The western side of North Cole Avenue, approximately 180 feet north 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 less than two-thirds of the lot area and only one-half of the lot width required for a two-family dwelling. The proposed two-family residence will require substantial bulk variances to accommodate an oversized residential building on an undersized parcel. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residences will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the required variances be denied, and that only a single-family residence be permitted.
93 NORTH COLE AVENUE (SV-1015)

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The proposed lot area is 60% of the required minimum. The lot width is 60% of the minimum and street frontage is deficient by 29%. The side and total side yards are also 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. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal.

3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary runs through the property, at the rear façade of the proposed structure. New York State General Municipal Law states that the purposes of Sections 239-o, 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 is 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 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 1,860 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 6,040 square feet. This would result in an FAR of 0.84. Although this is an estimate, an FAR of 0.84 is 29% 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 or 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 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 site plan does not depict the proposed driveway. The existing layout, which is not aligned with the proposed parking spaces is shown, as is a fence that would block access to the parking spaces. The site plan must be amended to depict the proposed driveway and note that the existing fence is to be removed. The site plan must provide turnaround areas for all spaces so that vehicles do not back into the roadway.

9 Although it is not indicated on the site plan, there is a label marked “chimney” near the northeastern corner of the structure. The applicant must clarify if a chimney is proposed and, if so, the site plan must be amended to indicate its location. A proposed chimney must not encroach upon or block access to any required parking spaces.

10 The site plan indicates there is an existing accessory structure and paved area at the rear of the property. The site plan must be amended to indicate that this structure and the unreeded macadam are to be removed.

11 The map notes must provide the standard information for a site plan, such as the tax map number, owner/applicant information, the zoning district, and a statement that the plat does not conflict with the County Official Map.

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 they do not encroach upon any required yards.

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.

Douglas J. Schuette
Acting Commissioner of Planning

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

Anthony R. Caiazzo P.E.
Rockland County Planning Board Members

'NY'S 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 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 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 excepting 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 (§39-316), 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: 93 North Cole Avenue
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 93 North Cole Avenue 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 NYS Route 59. The Planning Department review issued a disapproval along with 15 comments.

The applicant is requesting an override for the general disapproval and comments #1, & 2. The balance of the comments are acceptable to the applicant and will be addressed.

As to the general disapproval and #1 & #2 of the GML letter dated November 13, 2020

a. Applicant has applied to the Spring Valley Zoning Board of Appeals and received variances from the Zoning regulations. This is a use permitted as of right by the Code. The applicant will comply with all zero net runoff regulations. There is adequate public water and sewer capacity. The applicant will pay the sewer impact fee. This is a desired re-development of an existing neighborhood with smaller lot sizes. Sufficient onsite parking is provided. The Village will also benefit by the turnover of older housing stock. The replacement housing will comply with all current regulations including fire suppression and 2020 Building Code. The County GML discusses increase in residential density. The Village has experienced over the last several years a problem with overcrowding. The creation of two units will actually reduce overcrowding as opposed to one very large single unit.

OVERRIDE REQUESTED

b. With respect to comment #7, the parking configuration is the standard tandem

1 of 2
layout. This layout has been approved by both the Planning Board and the Zoning Board of Appeals. This is not unreasonable to expect families that live within the same unit to coordinate their parking activities. The Local Code does not prohibit tandem parking. This tandem parking configuration is contained in many local Village neighborhoods. The County has not provided any data that would support a comment regarding tandem parking.

**OVERRIDE REQUESTED**

c. As to comment #4, The applicant will comply

d. As to comment #5, The applicant will comply

e. As to comment #6, The applicant will comply

f. As to comment #8, The applicant will comply

g. As to comment #9, The applicant will comply.

h. As to comment #10, not interfering with the parking lot as they have been moved out of the parking area. The applicant will comply.

i. With respect to comment #11, The applicant will comply

j. As to comment #12, The applicant will comply

k. As to comment #13, The applicant will comply

l. As to comment #14, The applicant will comply

m. As to comment #15, The applicant will comply

Very Truly Yours,

JAMES D. LICATA

JDL/SK
Spring Valley ZBA  
Village of Spring Valley  
200 North Main Street  
Spring Valley, New York 10977

Re: Final ZBA Application for  
Premises: 324 Route 59  
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 324 Route 59 in the Village of Spring Valley. As part of the ZBA review the Rockland County Department of Planning has supplied a letter dated September 14, 2020 pursuant to section 239 of the General municipal Law. The purpose of this review is the property’s proximity to NYS Route 59 and within 500 feet of the Town of Ramapo. The Planning Department review issued a disapproval along with 15 comments.

The applicant is requesting an override for the general disapproval and comments #1, 2, 3, 4, & 12. The balance of the comments are acceptable to the applicant and will be addressed.

As to the general disapproval and #1 & #2 of the GML letter dated September 14, 2020.

a. Applicant has applied to the Spring Valley Zoning Board of Appeals and received variances from the Zoning regulations. This is a use permitted as of right by the Code. The applicant will comply with all zero net runoff regulations. There is adequate public water and sewer capacity. The applicant will pay the sewer impact fee. Sufficient onsite parking is provided. The building will comply with all current regulations including fire suppression and 2020 Building Code. The applicant has been granted a zone change from R-1 to POR by the Spring Valley Village Board. The applicant does not believe that this will significantly increase traffic congestion on the Route 59 corridor. The applicant has obtained a traffic study from Klein traffic Consulting, LLC. The traffic study confirms there will be no significant increase in traffic.

OVERRIIDE REQUESTED

b. With respect to comment #3, the site plan was incorrect and has been corrected.

1 of 2
Lot 19 is not owned by the applicant and is not part of this application. The applicant cannot use lot 19 as a “readily available option” as stated in the GML as they do not own lot 19 and the owner of lot 19 expressed his intention not to sell lot 19. The variances requested do not include lot 19.

OVERRIDE REQUESTED

c. As to comment #4, Lot 19 was mistakenly added to the site plan. The application correctly lists the variances required. There is no reason to republish the Public Hearing notice to exclude lot 19 as it was not included in the variance calculations. Any questions may be addressed by the ZBA Board, their attorney, or the applicant at the Public Hearing.

OVERRIDE REQUESTED

d. As to comment #12, the plan has been amended prior to application receiving their Zone change approval. The GML disapproved all variances requested. Submission of a new plan would not serve any legitimate governmental purpose other than delay these proceedings.

OVERRIDE REQUESTED

e. As to comment #5, The applicant will comply

f. As to comment #6, The applicant will comply

g. As to comment #7, The applicant will comply

h. As to comment #8, The applicant will comply

i. As to comment #9, The applicant will comply

j. As to comment #10, The applicant will comply

k. As to comment #11, The applicant will comply

l. As to comment #13, The applicant will comply

m. As to comment #14, The applicant will comply

n. As to comment #15, The applicant will comply

Very Truly Yours,

JAMES D. LICATA

JDL/SK

2 of 2
September 14, 2020

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

Tax Data:
57.45-1-20
57.45-1-19
57.45-1-6
57.45-1-18
57.45-1-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/23/2020

Item: YAKOV GRUNWALD - 324 ROUTE 59 (SV-431D)

A variance application to construct a two-story, 30,000 square foot office building on a 1.55-acre parcel comprised of five lots, and has four street frontages. The parcels are currently within the R-1 and POR zoning districts. A concurrent application is before the Village Board to rezone some of the lots to the POR zoning district. Variances are requested for front yards (Route 59, Yatto Lane, and Summit Avenue), floor area ratio, and number of parking spaces.

The northern side of Route 59, between Summit Avenue and Yatto Lane, south of Tenure Avenue

Reason for Referral:
NYS Route 59, Town of Ramapo

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

*Disapprove

1 The Village zoning regulations authorize the Zoning Board of Appeals to "vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships..." The subject property is a regularly-shaped parcel with sufficient lot area for office use. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. The application, therefore, does not represent a request for relief from a hardship, but rather is a request to over develop the property. Parking and bulk requirements, such as minimum yard size and floor area ratio limits, serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this application be disapproved, and that the property be developed within the requirements of the village zoning regulations.
YAKOV GRUNWALD - 324 ROUTE 59 (SV-431D)

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 Summit Avenue front yard is deficient by 20% and the Route 59 and Yatto Lane front yards are deficient by 17%. The floor area ratio exceeds the maximum standard by 77%. In addition, there is a 31 space deficit in provided parking. The ability of the existing infrastructure to accommodate increased density is a county-wide 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 size of the proposed building must be reduced so as to minimize the number and extent of the required variances.

3. Within the application review form, the provided narrative, the GML referral form, the affidavit of ownership, and the site plan itself, six separate tax parcel numbers are provided, including parcel 57.34-1-19. However, this specific parcel does not seem to be incorporated into the proposal. The vicinity map does not highlight it, the lot area provided in the bulk table does not seem to include this lot, and the site plan indicates that an existing dwelling is to remain. Among the variances requested, the applicant is requesting variances of floor area ratio and number of parking spaces. It is unclear why this lot is not being incorporated into the proposal. With the added lot area, the proposed FAR could be reduced from 0.53 to 0.45, and a substantial number of additional parking spaces could be provided, thereby reducing the extent of the required variances. Based on the provided affidavit of ownership, the incorporation of tax parcel 57.45-1-19 is a readily available option that does not impose practical difficulties or unnecessary hardships, and minimizes the extent of the required variances. The requested variances must be denied since a feasible alternative exists. The application must be disapproved.

The following comments address our additional concerns about this proposal.

4. As noted above, parcel 57.45-1-19 is included throughout the application materials, but is not incorporated into the proposal. All appropriate materials within the variance application must be amended to remove references to the parcel and the public hearing notice must be corrected and re-issued.

5. The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 250 feet north of the site. New York State General Municipal Law states that the purposes of Sections 239-h, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-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.

6. A review shall be completed by the New York State Department of Transportation and all required permits obtained.

7. An updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them. The applicant must comply with all comments made by the Department in their letter of December 16, 2016.
YAKOV GRUNWALD - 324 ROUTE 58 (SV-431D)

8 An updated review must be completed by the Rockland County Sewer District No. 1 and all required permits obtained from them. The applicant must comply with all comments made by the District in their letter of December 24, 2019.

9 The site plan has been reduced in size, is not to-scale, and is difficult to read. The subject parcels are not centered within the vicinity map and no map notes are provided. A full-sized, to-scale site plan that contains map notes, including district information, and has the parcels centered within the vicinity map, shall be provided. The applicant's engineer has been reminded of the importance of including such details.

10 Concrete walkways exist along Route 58, Summit Avenue, and Tenure Avenue. However, no walkway is provided along Yatto Lane. A concrete walkway must be provided along this roadway to accommodate pedestrians coming from the west.

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

12 The site plan does not include any handicapped-accessible parking spaces. The required number of accessible spaces must be provided. If the inclusion of accessible spaces requires a reduction in the number of spaces provided, and thereby increases the required variance for number of parking spaces, a revised application must be made to the Village and forwarded to the Rockland County Planning Department for our review.

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 10 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
    New York State Department of Transportation
    New York State Department of State
    Rockland County Department of Health
    Rockland County Sewer District #1
    Anthony R. Celelano P.E.
    Town of Ramapo Planning Board

[Signature]
Acting Commissioner of Planning

Page 3 of 4
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 exercises, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercises, 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 §235—m(8), 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 proposal 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

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.

Date Review Received: 9/18/2020

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, respectively. 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.
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 to the adequacy of existing and proposed thoroughfare facilities, and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

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.
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

Douglas J. Schutt
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 12a of the New York General Municipal Law. Under Article 12a 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 for 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(8), 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: 49.76-1-18

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/26/2020
Date Review Received: 9/18/2020

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 97% 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-1006)

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-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.
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 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

Douglas J. Schuetz
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 12-8 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 involved implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

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

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

Pursuant to New York State General Municipal Law §239-m(8), 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.