AGENDA:

Village of Spring Valley
Zoning Board Agenda
December 23rd, 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

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

17 Paiken Drive
The subject property is located on the west side of Paiken Dr, approx. 290 ft south 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 28. The applicant is seeking variances for a proposed two-family dwelling. The variances are as follows: Lot Width: 100 ft required, 70 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided

Applicant: 17 Paiken LLC

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

A variance application to construct a two-story, 36,000 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 overdevelop 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.
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 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 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 57.94-1-19. However, this specific parcel does not seem to be incorporated into the proposal. The zoning 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 0.48, 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 238-n, 238-rm and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring communities 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 238-nm 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, 2019.
YAKOV GRUNWALD - 324 ROUTE 59 (SV-4310)

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 59, 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 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 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.

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. Celentano, P.E.
Town of Ramapo Planning Board

Dorothy J. Schuetz
Acting Commissioner of Planning

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Rockland County Planning Board Members,

"NYG General Municipal Law Section 238 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 advises the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

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

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 §238-odd, 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."
November 25, 2020

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

Tax Data: 57.21-1-28

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/29/2020

Item: **17 PAIKEN DRIVE (SV-1018)**

A variance application to allow the construction of a two-family dwelling on 0.27 acres in the R-2 zoning district. Variances are requested for lot width, side yard, and total side yard.

The western side of Paiken Drive, approximately 380 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 GML referral form, the application review form, and the site plan provided indicate that a two-family dwelling is proposed. However, the architectural drawings provided by Hartman Design (revision date is illegible) depict a structure with four dwelling units, based on the Village's definition of a Dwelling Unit. The rear portions of the basement level can be physically separated from the rest of the living space with minor interior modifications. Each basement space, as well as the two side-by-side units above, contain bedrooms, a kitchen, full bathrooms, and provides a separate entry. Except for the northern basement unit, all the dwelling units provide laundry facilities, as well.

Multifamily structures are not a permitted use in the R-2 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-2 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 lot width is 70% of the required minimum. 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 proposed structure must be reduced in size to more closely conform to 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 adjacent to the rear property line of the parcel. New York State General Municipal Law states that the purposes of Sections 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-mn 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 site plan indicates that the proposed structure will have three stories and an FAR of 0.65. The architectural plans provided, although reduced in size and not to-scale, indicate that the lowest level is at grade level and, therefore, does not meet the Village's definition of a basement. In addition, the lowest level has a ceiling height of over 7.5 feet, and would not be exempt from floor area ratio calculations if it did meet the definition of a basement. The site plan shows a building footprint of approximately 3,250 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 9,750 square feet. This would result in an FAR of 0.81. Although this is an estimate, an FAR of 0.81 is 25% 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. The bulk table indicates that the proposed structure will have 2 and 1/2 stories. The architectural plans provided depict a three-story structure. The bulk table must be corrected.

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.
17 PAIKEN DRIVE (SV-1016)

9 Entries to the storage room and the exercise room on the southern side of the structure are directly adjacent to parking space 3, creating a safety hazard for exiting pedestrians. The entry doors must be relocated so that residents can safely exit the structure.

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

11 Map note 6 must be amended to refer to Section 239i&m since no subdivision is proposed.

12 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks and entries must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes.

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

Rockland County Planning Board Members

*NYG 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 §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 proposed action shall set forth the reasons for the contrary action in such report.
November 24, 2020

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

Tax Data: 57.46-1-26

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

Item: FINKELSTEIN MEMORIAL LIBRARY - 24 CHESTNUT STREET (SV-1000A)
A variance application to replace a ground sign with a digital sign for an existing library on 1.75 acres in the PO zoning district. A variance of the minimum setback from a public highway is required. The northern side of NYS Route 59, bounded on the west by Chestnut Street and bounded on the east by Madison Avenue.

Reason for Referral:
NYS Route 59, North/South 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

1 This department is generally not in favor of granting sign variances. The Village's sign standards are reasonable and should be followed. The proposed ground sign is set back only three feet from a property line along a heavily-trafficked state highway, and could interfere with drivers' sight distance. In addition, the granting of this variance can set a precedent and encourage nearby commercial uses to request similar exemptions. The resulting proliferation of inappropriately located or oversized signs will have an adverse effect on the safe and efficient flow of traffic. The application must be disapproved and any new sign must be set back an appropriate distance from the state highway.
2 The project description provided states the proposed sign will be a digital, LED-illuminated sign. The product rendering provided indicates that a 25.2" x 88.2" display can be controlled by a wireless, PC data input and is capable of displaying HD images and video. Section 209.5 A of the Village regulations states that all signs "shall employ only lights admitting a light of constant intensity, and no sign shall be illuminated by or containing flashing, intermittent, rotating or moving light or lights." The proposed digital sign is capable of producing visuals that are not allowed under the Village’s sign regulations. The application does not state in what manner the digital sign is to be used, and does not explicitly state if scrolling or changing text or videos are to be displayed or not. Enforcing this section of the regulations, which helps ensure traffic safety by preventing visually distracting signs, is particularly important considering the proximity of the sign to Route 59, a heavily trafficked corridor. This application must be disapproved in favor of an application that ensures the proposed sign will comply with Section 209.5 A of the Village’s regulations.

The following comments address our additional concerns about this proposal.

3 The site plan depicting the location of the proposed sign has not been signed or stamped by a licensed land surveyor or engineer. A signed and stamped version of the site plan must be provided that contains map notes with district information, a north arrow, a scale, and a vicinity map with a north arrow and scale.

4 The site plan must indicate the designated street line for the state highway and demonstrate that the proposed sign does not encroach upon it.

5 A review shall be completed by the New York State Department of Transportation and any required permits obtained and any concerns addressed.

6 A wall sign with adjustable text that provides details for library events, is located on the southern façade of the structure, facing Route 59. Will the new digital sign contain the information provided by this sign? Will this wall sign still be needed? The applicant must clarify what their intentions, if any, are for this sign.

7 The application review form provides incorrect tax parcel identification numbers, zoning district, water district, and acreage of the parcels. The application must be corrected to identify the parcels by their identification numbers of 57.46-1-26 and 57.46-1-27, indicate the zoning district is PO, the water district is Suez, and the acreage of 1.75 acres.

8 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.

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
New York State Department of Transportation

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Rockland County Planning Board Members

"NYSS 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 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 waiving 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 various, 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.