Village of Spring Valley
Zoning Board Agenda
January 13th, 2021

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 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.

2 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

3 185 N. Main St
The subject property is located on the west side of N. Main St, 0 ft south from intersection of Linden Ave and N. Main St in a PO zone. The property is designated on the Town of Ramapo Tax Map as section 50.79 block 1 lot 16. The applicant is seeking variances for to construct additional classrooms. The variances are as follows: Front yard: 35 ft required, 19 ft provided; FAR: Max allowed .6, .93 proposed.
Applicant: Khal Bais Shmiel

4 73 N. Cole Ave
The subject property is located on the west side of North Cole Ave, 448 ft north from intersection of North Cole Ave and Stephens Place in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as Section 57.29 block 1 lot 6.1. The applicant is seeking variances for a proposed Two-Family Dwelling. The variances are as follows: Front yard: 25 ft required, 20 ft provided; Side Yard: 20 ft required, 17 ft provided: FAR: max allowed .65, .75 proposed.
Applicant: Dov Goldman
5. **20 Merrick Drive**
The subject property is located on the north side of Merrick Dr, approx. 191 ft west of North Rigaud Rd in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.53 block 2 lot 3. The applicant is seeking variances for a proposed addition to a Single-Family Dwelling (To make Two-Family). The variances are as follows: Lot Width: 90 ft required, 85.18 ft provided; Front Yard: 25 ft required, 23.7 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 21.7 ft provided.
**Applicant:** Prestige Equities

6. **98 Union Rd**
The subject property is located on the east side of Union Rd, 100 ft south of Valley View in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as Section 50.70 block 1 lot 26. The applicant is seeking variances for a Two-Family Dwelling. The variances are as follows: Lot Area: 8,500 sf required, 5,500 sf provided; Lot Width: 85 ft required, 50 ft provided; Front Yard: 25 ft required, 22 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side yard: 30 ft required, 20 ft provided; Street Frontage: 70 ft required, 50 ft provided.
**Applicant:** 98 Union SV NY LLC
November 24, 2020

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

Tax Data:  57.48-1-26  57.48-1-27

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/9/2020  Date Review Received: 11/5/2020

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.

Rocklandgov.com
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 overide.

cc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation

Page 2 of 3
Rockland County Planning Board Members

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

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.

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

Pursuant to New York State General Municipal Law §239-m(b), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report."
PROPOSED SIGN FOR THE
FINKELSTEIN MEMORIAL LIBRARY
24 CHESTNUT STREET / SPRING VALLEY NY

9/9/20
Spring Valley ZBA
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: Final ZBA Application for
Premises: 185 North Main Street
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 185 North Main Street in the Village of Spring Valley. As part of the ZBA review the Rockland County Department of Planning has supplied a letter dated January 5, 2021 pursuant to section 230 of the General Municipal Law. The purpose of this review is the property’s proximity to the Route 45. The Planning Department review issued a modification along with 12 comments.

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

As to the disapproval and #1 & #2 of the GML letter dated January 5, 2021.

A. Applicant has applied to the Spring Valley Zoning Board of Appeals for 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. This applicant is a religious school. Under RLUPA Regulations religious schools are to be given latitude in there request to provide students an adequate learning experience. The project is not increasing the foot print of the building.

B. As to comment #3, the PLUPA regulations provide wider latitudes for zoning boards to accommodate religious uses. The project is not increasing the foot print of the building. The students travel to school by bus. We do not believe the increase will be significant because the existing buses will be used for transportation.

Very Truly Yours,

[Signature]

JAMES D. LICATA

JDL/sk
January 5, 2021

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

Tax Data: 60.79-1-16  850.79-1-16

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M  Date Review Received: 12/4/2020

Map Date: 11/11/2020

Item: KHAL BAIS SHMIEL - 185 NORTH MAIN STREET (SV-966B)

A floor area ratio variance application to add two floors to an existing school on a lot with three street
frontages with 2.68 acres in the PO zoning district. No expansion to the building footprint is proposed.
The eastern side of South Orchard Street, the southern side of Linden Avenue, and the western side of
North Main Street

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

1 According to a site plan dated May 9, 2019 from a previous application, the school building has already
received a variance for a floor area ratio of 0.66. The current request for an FAR of 0.93 represents an overall
increase in gross floor area of 66% or 41,785 square feet, based on the size of the lot. Despite this substantial
expansion of the school building, no information or details have been provided regarding any potential increase in
student or employee population, or changes to existing schedules or programs. The proposed expansion may
result in increased traffic from employees, parent drop-offs, and buses, as well as from expanded extracurricular
programs. The school is located along NYS Route 45, a heavily-trafficked corridor, and is adjacent to a
residential neighborhood to the north and west of the site. Additional information is required to properly evaluate
the land use impacts of the proposal. Information regarding enrollment, staffing, car and bus trip generation, and
extracurricular programs must be provided and their impacts on traffic level-of-service must be analyzed. An
expansion of this magnitude must be accompanied by the necessary details and information to properly evaluate
the proposal. The application must be disapproved.

Rocklandgov.com
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 floor area ratio exceeds the maximum standard in the PO zoning district by 210%. 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 extent of the requested variance indicates a general overdevelopment of the site. The application must be disapproved.

3. Village officials have previously expressed concern to this department about the increasing traffic congestion along the Route 48 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 density that exceeds the capacity of the property. 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 impact on the adjacent state highway, the application must be disapproved.

The following comments address our additional concerns about this proposal.

4. A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.

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

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

7. The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required. The bulk table shall not include estimations.

8. The central portion of the building is labeled as having one existing story with one proposed additional story for a total of three stories. The label must be corrected.

9. The parking calculation must reflect any increase in student enrollment as a result of the proposed expansion. In addition, the site plan has labels for a drop-off area and for parking for seven buses. However, there are no markings delineating these areas and they are located either in the access aisle or on top of standard parking spaces. Any areas used for bus parking or student drop-offs must be delineated on the site plan. These areas cannot also count towards meeting the required number of parking spaces. The site plan must be amended to delineate bus parking and drop-off areas, and demonstrate how adequate traffic flow and circulation will be maintained during pick-up/drop-off times. The number of provided parking spaces must be amended to reflect any loss of standard parking spaces to drop-off areas. If the site cannot provide the required number of parking spaces, an additional variance must be obtained. Any additional variance application must be forwarded to this department for review.

10. It is unclear whether the applicant will continue classes during the proposed construction. The applicant must submit a phased timeline for all stages of construction for review. It must include any use of modular classrooms and include storage areas for materials and equipment.

11. We request the opportunity to review any site plan application that may be needed to implement the proposal, as required by New York State General Municipal Law, Section 239-r (3)(a)(v).
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 Transportation  
Anthony R. Celelano P.E.

Rockland County Planning Board Members

11 V.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 item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department refers to the municipality concerning 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 raising a policy or practice and enacting 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.

The 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(b), the retaining 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 retaining 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: 73 North Cole Avenue (B)
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 73 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 January 5, 2021 pursuant to section 239 of the General municipal Law. The purpose of this review is the property's proximity to the Town of Ramapo. The Planning Department review issued a modification along with 13 comments.

The applicant is requesting an override for the general disapproval and comments #1, 2 & 8. The balance of the comments are acceptable to the applicant and will be addressed.

As to the general disapproval and #1 of the GML letter dated January 5, 2021.

1. Applicant has applied to the Spring Valley Zoning Board of Appeals for 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

OVERRIDE REQUESTED

2. As to comment #2, applicant is within his right to request variances for the existing standards which are explained in comment #1. Cumulative effect is something that must be considered County wide and not on an individual applicant.
3. With respect to comment #8, the parking configuration is the standard tandem 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

Very Truly Yours,

JAMES D. LICATA

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

Douglas J. Schuetz  
Acting Commissioner  

Arlene R. Miller  
Deputy Commissioner  

January 5, 2021

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

Tax Data: 67.29-1-6.1

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

Date Review Received: 12/4/2020

Item: 73 NORTH COLE AVENUE (B) (SV-875E)  

A variance application to allow the construction of a two-family residence on 0.11 acres in the R-2 zoning district. Variances were previously granted for lot area, lot width, front yard, side yard, total side yard, rear yard, and street frontage. Additional variances are requested for front yard, rear yard, and floor area ratio. 
The western side of North Cole Avenue, approximately 150 feet south of Maple Avenue

Reason for Referral:  
Town of Ramapo  

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

*Disapprove*

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

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. As previously mentioned, the subject property has already received substantial bulk variances. The current proposal would result in the front and rear yards being deficient by 20% and 15%, respectively. The proposed FAR exceeds the maximum standard by 15%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. As indicated above, no more relief may be granted to this property. The application must be denied, and the building reduced.

The following comments address our additional concerns about this proposal:

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

4 An updated review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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

6 The bulk table indicates that the proposed structure will have two stories. This is not consistent with past applications. Virtually all of the applications for new residential structures that have been forwarded to this department for review in the recent past have proposed three stories. It is worth noting that the Village's zoning regulations establish different criteria for whether or not a basement is considered a story, and whether or not a basement level is counted towards gross floor area and subsequent floor area ratio calculations. To be clear, an exemption from being included in FAR calculations does not necessarily mean that a basement does not count as a story. The applicant must verify that either the proposed structure will have only two levels in total, or that a basement and two additional levels above it are proposed, and then demonstrate that the basement level does not meet the criteria for being counted as a story. This demonstration must include proposed exterior and interior elevations, average grade calculations, and a statement from the applicant's engineer that none of the criteria for being considered a story, as dictated by the Village's definition of a basement, apply. Any application that is revised due to a change in the number of stories must be sent to this department for review.

7 As previously mentioned, the FAR exemption for basements is independent of whether or not it is considered a story. If the proposed structure has more than two levels, then the site plan must be amended to include an FAR calculation. This calculation must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. Any application that is revised due to an increase in FAR must be sent to this department for review.
The use of tandem parking spaces prevents egress for vehicles parked behind other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

Section 256.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed rear deck complies with this section and does not include any enclosed spaces.

Page 10 of the application review form indicates that the applicant is requesting a side yard variance and not a rear yard variance. All materials must be consistent and accurate. The application review form must be corrected. The public hearing notice must be reviewed and, if it contain incomplete or inaccurate information, re-issued.

The subject property was created by subdivision, and formerly was joined with the southerly adjacent property. The site plan indicates that property to the south has the tax parcel number 57.29-1-7, not 57.29-1-8.2. The site plan must be corrected.

Pursuant to General Municipal Law (GML) Section 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.

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

Rockland County Planning Board Members

*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 13-B of the New York General Municipal Law. Under Article 13-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department desires to the municipally forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this regard, 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 procedure 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 applicants 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(11), 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.
January 4, 2021

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

Tax Data: 50.53-2-3

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

Item: 20 MERRICK DRIVE (SV-1019)

Variances to permit an addition to a single family dwelling located on 0.23 acres in the R-1A zoning district. The variances required include side yard and total side yard.

South side of Merrick Drive, approximately 217 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. The application materials state the proposed project is an addition to a single-family dwelling. Based on the provided floor plans - which illustrate what resembles an additional dwelling - and the number of parking spaces proposed, it appears the applicant is proposing to create a two-family dwelling. While two-family dwellings are permitted as of right, the applicant must state it is their intention to convert the single-family dwelling to a two-family dwelling, rather than just constructing an addition to the existing dwelling. The bulk requirements must comply with Appendix B, Section B-1.1C. for a two-family dwelling.

2. The bulk table indicates four parking spaces are being provided, as required for a two-family dwelling. However, the site plan does not show the location of these spaces, only a macadam driveway. These spaces must be shown on the site plan. A turnaround area must be provided and the spaces must not be tandem, as this parking layout prevents egress for vehicles blocked by other vehicles and will encourage residents to park off-site instead of in their designated spaces and negates the purpose of on-site parking requirements.

3. A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

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

Rocklandgov.com
5 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.

6 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 280 feet south and 360 feet west of the site. New York State General Municipal Law states that the purposes of Sections 239-I, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-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.

7 All proposed building entrances, exterior stairways, window wells, and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. Parking maneuverability shall not be affected by the location of these features.

8 The floor area ratio calculation must be provided on the site plan so its accuracy can be verified.

9 The actual building height proposed must be indicated on the bulk table, rather than “< 35.” The bulk table shall not include estimations.

10 The site plan indicates there is an existing deck located where a portion of the addition is proposed. It must be clarified if this deck is to be removed.

11 The bulk table and application review form indicate the required lot width is 90 feet. Both single- and two-family dwellings in the R-1A zoning district only require a lot area of 90 feet for corner lots. For all other lots, the lot area is 80 feet. As this lot is not a corner lot, the application materials shall be updated to reflect the correct measurement.

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

13 The map notes must be labeled as such. In addition, they should include parcel specific information such as zoning designation, owner, and existing and proposed use.

14 Note #6 on the site plan should be updated from Section 239N of the New York State General Municipal Law to Sections 239L & M as this is not a subdivision application.

15 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
20 MERRICK DRIVE (SV-1019)

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

cc: Mayor Alan Simon, Spring Valley
   Rockland County Department of Health
   Rockland County Office of Fire and Emergency Services
   Rockland County Sewer District #1
   Spring Valley Fire District
   Anthony R. Cerantola, P.E.
   Town of Ramapo

*NYS General Municipal Law Section 239 requires a vote of a "majority plus one" of your agency to act contrary to the above findings.

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department refers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

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

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

Pursuant to New York State General Municipal Law §239-m(16), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.
Hon. Moshe Hopstein, Chairman
Zoning Board of Appeals
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: 20 Merrick

Dear Chairman Hopstein:

This office is counsel to applicant with respect to the Zoning Board of Appeals application for realty located at the above-referenced location in the Village of Spring Valley.

As part of the Zoning Board of Appeals’ review, it considers a January 4, 2021 review conducted by the Rockland County Department of Planning, purportedly pursuant Sections 239 L & M of the General Municipal Law. The statutory purposes of said review is to address regional and countywide planning concerns based on the project’s impacts on the Town of Ramapo. No such impacts on are noted. Notwithstanding the foregoing, said review addresses areas outside the permitted of scope of the said review and outside the balancing test required to be applied by the Zoning Board of Appeals and therefore impermissible for consideration.

With respect to Comment 1, the legal notice is correct. Override requested.

With respect to Comment 2, the code requirement of four (4) parking spaces will be met and a turnaround will be provided. Override requested.

With respect to Comment 5, the Fire Inspector will review the Building Permit application when it is submitted, as is standard procedure in the Village. Override requested.

With respect to Comment 10, the deck will be modified. Override requested.

Very truly yours,

[Signature]

RYAN KARBEN
I feel driving on Merrick has become very difficult. I would suggest parking on one side of the street only. Thank you.
Merrick is a not very wide, two-way street, on a hill which makes it difficult to see very far ahead, and the traffic is heavy. Cars are parked on both sides of the street. Cars should only be allowed to park on one side of the street especially in view of additional construction.

Myrna Oppenheim
9 S Rigaud Rd, Spring Valley, NY 10977
I would like to comment on the proposed construction. Merrick has a large number of multi-family dwellings on the block. There are now cars parked on both sides of the street, making Merrick a single lane road. Because it is a hill, cars at the bottom of the hill cannot see cars coming down the hill (and visa-versa) and end up facing each other head on or having to squeeze over to the side as much as possible as the cars inch past each other. It's an accident waiting to happen. As you increase the number of people living on a block you also need to ensure the block's safety. Cars should only be allowed to park on 1 side of the street. Rachel Berman 11 South Rigaud Rd Spring Valley NY

The variance says it's for a 2 family dwelling. All other houses on the block have between 4-8 families per lot. Did the other houses also request a variance for a 2 family dwelling? Will this really only be a 2 family dwelling?
NOTES:
1. TAX MAP NUMBER: MAP 50.53-2-3
2. APPLICANT: 20 MERRICK DRIVE
   SPRING VALLEY, NY
3. OWNER: 20 MERRICK DRIVE
4. TOTAL AREA: 9,986 square feet = 0.2292 acres
5. TOTAL NUMBER OF LOTS: 1
6. THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP
   AND HAS BEEN APPROVED IN THE MANNER SPECIFIED IN SECTION
   239N OF THE GENERAL MUNICIPAL LAW WHEN APPLICABLE.
7. INFORMATION REGARDING PLAT REVIEW, APPROVAL, AND DETAILS IS
   AVAILABLE IN THE SPRING VALLEY PLANNING BOARD FILES.
8. PROPERTY IS NOT LOCATED IN FLOOD PLAIN OVERLAY DISTRICT

LOT AREA: 9,986 square feet
TOTAL NUMBER OF LOTS: 1
TOTAL AREA: 9,986 SQUARE FEET = 0.2292 ACRES

BULK REQUIREMENTS
ZONE: R-1A

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EXISTING CONDITION

REV 1/13/20

ANTHONY R. CELENTANO P.E.
21 ROSSWAIN ROAD
TOWNSEND, N.Y. 10984
845 429 5320 FAX 429 5974

TOWN OF ROCKLAND, ROCKLAND COUNTY
SPRING VALLEY, NEW YORK
SEPTEMBER 15, 2005
SCALE: 1" = 20'

THE FISHER JEWISH EDUCATION
AND MARRIAGE TRUST, UTA

PROPOSED ADDITION FOR
31 ROSMAN ROAD
THIELLS, N.Y. 10984
845 429 5290 FAX 429 5974

___________________________________LIC#76244