Village of Spring Valley
Zoning Board Agenda
March 10th, 2021

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

A. Call to Order.

1. 12, 14, 16 N Myrtle Ave
The subject property is located on the east side of Myrtle Ave, 0 ft north from intersection of Grove St and Myrtle Ave in a GB zone. The property is designated on the Town of Ramapo Tax Map as section 57.30 block 2 lot 17,18,1,19. The applicant is seeking variances for a proposed 19 multi-family dwelling. The requested variances are as follows: Lot Area: 20,000 sf required, 15,215 sf provided; Lot Width: 150 ft required, 139.82 provided (Myrtle), 150 ft required, 118 ft provided; Section 229-41Parking to property line; Front Yard: 30 ft required, 0 ft provided (Myrtle), 30 ft required, 15 ft provided (Grove); Side Yard: 20 ft required, 10 ft provided; Visibility Section 255-22H: 75 ft required, 15 ft provided; Building Height: Max Allowed 40 ft, 45 ft proposed; Number of Stories: Max Allowed 3, 4 Stories proposed; FAR: Max allowed .60, 1.1 proposed; Number of parking spaces: 38 required, 30 proposed; Number of Units per Acre: Max 6.28, 19 proposed
Applicant: Sam Wittenstein

2. 51 Collins Ave
The subject property is located on the west side of Collins Ave, 300 ft south of Maple Ave in a R-2. The property is designated on the Town of Ramapo Tax Map as Section 57.23 block 1 lot 43. The applicant is seeking variances for a proposed Two-Family Dwelling. The variances are as follows: Lot Area: 10,000 sf required, 5,750 sf provided; Lot Width: 100 ft required, 50 ft provided; Street Frontage: 70 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; Side Yard Steps: 10 ft required, 5.58 ft provided (North), 10 ft required, 5.3 ft provided (South)
Applicant: Ace Builders
3. 98 Union Rd
The subject property is located on the east side of Union Rd, 100 ft south of Valley View Terr. 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 proposed Two-Family Dwelling. The requested variances are as follows: Reapproval of prior approval; Lot Area: 8,500 sf required, 5,500 sf provided; Lot width: 85 ft required, 50 ft provided; Front Yard 25 ft required, 20.5 Ft provided (23 ft previously granted); 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 SVNY LLC

4. 55 West Street
The subject property is located on the west side of West St, 0 ft north of Church St in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.38 block 1 lot 5. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 6,950 sf provided; Lot Width: 105 ft required, 100 ft provided (West St), 105 ft required, 68.5 ft provided (Church St); Front Yard: 25 ft required, 19 ft provided (West St), 25 ft required, 16 ft provided (Church St); Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 10 ft provided. VARIANCE REQUIRED VISIBILITY AT INTERSECTION 255-22 H
Applicant: Horowitz Moshe

5. 51 S. Madison Ave: Continued Public Hearing from 1/27/21
The subject property is located on the west of Madison Ave, 0 ft north of Funston Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.54 block lot 39. The applicant is seeking variances for a proposed Two-Lot subdivision with two-family detached dwelling on each lot. The requested variances are as follows: Lot Area:10,000 sf required, 4,982 sf provided (Lot 1), 10,000 sf required, 5,380 sf provided (Lot 2); Lot Width: 100 ft required, 62.5 ft provided (Lot 1), 105 ft required, 67.5 ft provided (Funston), 80 ft provided (Madison)(Lot 2); Street Frontage: 70 ft required, 62.5 ft provided (Lot 1); Front Yard: 25 ft required, 20 ft provided (Lot 1), 25 ft required, 20 ft required (Funston), 15 ft provided (Madison) (Lot 2); Side yard: 15 ft required, 10 ft provided (Lot 1), 15 ft required, 10 ft provided (Lot 2); Rear Yard: 20 ft required, 10 ft provided (Lot 1), 20 ft required, 10 ft provided (Lot 2); Total Side Yard: 30 ft required, 20 ft provided (Lot 1).
Applicant: Aires Realty LLC
February 11, 2021

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

Tax Data: 57.29-1-43

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

Date Review Received: 1/21/2021

Item: 51 COLLINS AVENUE (SV-1022)

A variance application to allow the construction of a two-family dwelling on 0.13 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, and street frontage.

The western side of Collins Avenue, approximately 325 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 slightly more than one-half of the lot area required for a two-family dwelling. The lot itself is non-conforming for width and street frontage, as well. The 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 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. We recommend that the required variances be denied, and that only a single-family residence be permitted.
51 COLLINS AVENUE (SV-1022)

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 58% of the required minimum. The lot width is 50% of the minimum and the provided street frontage is 71% of the required minimum. The front yard is deficient by 12%. The side and total side yards as measured to the structure are deficient by 33%, with greater variances required when measured to the side swales. 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.

3 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, dated December 25, 2020, depict a structure with four dwelling units, based on the Village's definition of a Dwelling Unit. The basement level is divided into two physical spaces. Each basement space, as well as the two units on the first and second floors, contain bedrooms, full bathrooms, laundry facilities, and provides a separate entry. The architectural plans depict a "guest sitting room" in each basement unit that contains a counter and sink. Once plumbing connections are established, these areas can easily be converted post-construction into functioning kitchens by adding appliances. The basement spaces are connected to the upstairs units via a stairwell, which can easily be separated by a locked door.

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.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 260 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 quality and quantity, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

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

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.
51 COLLINS AVENUE (SV-1022)

8 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

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

10 The site plan provided has been reduced in size and is not to-scale. A full-sized, to-scale site plan must be provided.

11 The site plan indicates that the proposed structure will have an FAR of 0.65. The architectural plans provided indicate that the basement level will have an interior height of 7.5 feet, which makes it exempt from FAR calculations. However, the site plan shows a building footprint of approximately 2,190 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 4,380 square feet, not including the basement. This would result in an FAR of 0.76. Although this is an estimate, an FAR of 0.76 is 17% 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 with a floor by floor tally of gross floor area. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

12 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
Anthony R. Celentano P.E.
Town of Ramapo Planning Board

Rockland County Planning Board Members

*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 13-8 of the New York General Municipal Law. Under Article 12-8, the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed 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.
51 COLLINS AVENUE (SV-1022)

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 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.
Hon. Moshe Hopstein, Chairman
Zoning Board of Appeals
Village of Spring Valley
200 North Main Street
Spring Valley, New York 10977

Re: 51 Collins Avenue

Dear Chairman Hopstein:

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

As part of the Zoning Board of Appeals’ review, it considers a February 11, 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. Moreover, said review addresses areas outside the permitted of scope of said review and outside the balancing test factors required to be applied by the Zoning Board of Appeals and are therefore impermissible for consideration.

With respect to the Disapproval and Comments 1 and 2, this is a two-family home and use permitted by right in the zone consistent with the density and style of homes in the neighborhood. Similar relief has been granted by the Board of Appeals on other properties. Sufficient on-site parking is provided, zero net runoff will be complied with and there is adequate public water and sewer capacity. The applicant will pay any sewer impact fee. In evaluating the variances, the Board should also note the benefits to community character, including fire sprinklers, improved landscaping, lighting and curbing and modern, energy efficient and less combustible building materials, as well as the urgent need for additional housing to accommodate an array of family types. Override requested.

With respect to Comment 3, this is a two-family home and any reference to greater than 2 units is incorrect. Override requested.

With respect to Comment 4, the Town of Ramapo was notified and provided the opportunity to comment on the application. No comments were received.

With respect to Comment 6, its is a 2-family home and no such registration is required. Override requested.
With respect to Comment 8, the parking configuration is a standard tandem layout repeatedly approved by both the Planning Board and the Zoning Board. Residents of the same unit are reasonably expected to coordinate their parking. There is no local requirement that prohibits tandem parking, which is a common feature of Village neighborhoods. Moreover, the idea that off-site parking will be promoted by this configuration has no empirical support. **Override requested.**

With respect to Comment 11, the FAR is certified by the project engineer. **Override requested.**

Very truly yours,

![Signature]

RYAN KARBEN