Village of Spring Valley
Zoning Board Agenda
April 28th, 2021

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

A. Call to Order.

66 S. Madison
The subject property is located on the east side of S. Madison Ave, 385 ft west of S. Main St in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.54 block 1 block 27. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 6,179 sf provided; Lot Width: 100 ft required, 64 ft provided; Street Frontage: 70 ft required, 64 ft provided; Front yard: 25 ft required, 20 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft provided, 20 ft provided.
Applicant: Madison SSV Holdings LLC.

127 Bethune Blvd
The subject property is located on the west side of Bethune Blvd, 550 ft south from the intersection of Ewing Ave and Bethune Blvd in a PRD zone. The property is designated on the Town of Ramapo Tax Map section 57.24 block 1 lot 34. The applicant is seeking variances for a proposed 9 Unit multi-Family Dwelling. The requested variances are as follows: Lot Area:20,000 sf required, 14,644 sf requested; Lot Width: 150 ft required, 75 ft provided; Side Yard: 20 ft required, 10 ft provided; Rear Yard: 50 ft required, 20 ft provided; Total Side Yard: 40 ft required, 25 ft provided; Number of Units: Max allowed 6.05 required, 9 requested; FAR: Max allowed 60%, 70% proposed.
Applicant: Shlomo Bochner
48 West St
The subject property is located on the east side of West Street, 0 ft west from the intersection of Murin St, and West Street in a PLI zone. The property is designated on the Town of Ramapo Tax Map as section 57.38 block 1 lot 7. The applicant is seeking variances for a proposed house of worship. The requested variances are as follows: Lot Area: 25,000 sf required, 8,906 sf provided; Lot Width: 125 ft required, 100 ft provided (Murin), 125 ft required, 87.86 ft provided (West St); Front Yard: 35 ft required, 10 ft provided (Murin), 35 ft required, 17.5 ft provided (West St); Rear Yard: 40 ft required, 10 ft provided; FAR: Max allowed 30%, 75% proposed; Number of Parking Spaces: 34 required, 7 provided.

Applicant: 48 West LLC

15 Chestnut St
The subject property is located on the west side of Chestnut St, 0 ft north of Walnut Place in a PO Zone. The property is designated on the Town of Ramapo Tax Map as section 57.45 block 1 lot 31. The applicant is seeking variances for a proposed Office Building. The requested variances are as follows: Side Yard: 15 ft required, 10 ft provided; Rear Yard: 30 ft required, 10 ft provided; FAR: Max allowed 30%, 53% proposed.

Applicant: Chestnut Upstate Management LLC

11 Valley View Terr.-C
The subject property is located on the north side of Valley View Terr., approx. south of Stanley Dr. in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.62 block 1 lot 9. The applicant is seeking variances for a proposed Two-family dwelling. The variances are as follows: Lot Area: 8,500 sf required, 6,752 sf provided; Lot Width: 80 ft required, 64.76 ft provided; Front Yard: 25 ft required, 23.4 ft provided; Street Frontage: 70 ft required, 64.99 ft provided; Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 18 ft provided; Total Side Yard: 30 ft required, 20 ft provided.

Applicant: Arrow Builders
April 5, 2021

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

Tax Data: 57.54-1-27

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/11/2020
Date Review Received: 3/4/2021

Item: 66 SOUTH MADISON AVENUE (SV-1029)

A variance application to allow the construction of a two-family dwelling on 0.14 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, and street frontage.

The eastern side of South Madison Avenue, approximately 70 feet north of Castle Avenue

Reason for Referral:

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. The subject site does not meet the minimum lot area standard of 8,500 square feet required for a single-family residence, and provides less than two-thirds of the lot area 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.
66 SOUTH MADISON AVENUE (SV-1029)

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The proposed lot area and lot width are 62% and 64% of the required minimums, respectively. The front yard is deficient by 20%, and the side and total side yards are deficient by 33%. The street frontage is 91% of the required minimum, as well. 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 Village officials have previously expressed concern to this department about the increasing traffic congestion along the Route 45 corridor and its impact on emergency services’ response time. In direct contradiction to these concerns, the Village’s Zoning Board of Appeals overrides our GML recommendations by granting variances to allow increased residential density on undersized lots such as the subject site. 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. In order to maintain the safe and efficient flow of traffic in the area, the proposal must be disapproved.

4 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 John Till, dated December 18, 2020, depict a structure with four dwelling units, based on the Village’s definition of a Dwelling Unit. The basement level is divided into two physical spaces. Each basement space, as well as the two side-by-side units above, contain bedrooms, a kitchen, a full bathroom, and provides a separate entry. A simple lock on the doors leading to the interior stairwells will physically separate the basement units from the units above.

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 allowable uses of the R-2 zoning district.

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

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 side entrances exit directly into the proposed parking areas. This creates a hazardous conflict between vehicles entering the parking space and pedestrians exiting the structure. In addition, the side elevations depict grade changes in both side yards where the parking spaces are proposed. The parking layout, the locations of the building’s exits, and the grading plan must be amended to prevent pedestrians from exiting directly onto parking spaces, and to provide level parking surfaces.
10 A telephone pole and guy wire are located where the southern driveway is proposed. The site plan must be amended to indicate they are to be relocated.

11 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.

12 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.

13 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
    New York State Department of Transportation
    Rockland County Department of Health
    Rockland County Sewer District #1
    Anthony R. Celentano P.E.

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

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

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.
Based on the gross floor area of the structure, the parking space must be provided for each 250 square feet of
indicated floor area. The number of parking spaces is to be based on floor area dedicated to office use and not
square feet of floor area. In the use of the words "floor area", the parking space must be provided for each 250
square feet of floor area, the parking space shall be divided into the gross floor area. Similarly, the definition of the term "cross floor area" provides criteria for calculating a basement
above the basement. The basement must meet any of these criteria, in addition to the requirement for number of stories and the definition of the term "cross floor area with a basement
above the basement". The basement, must be defined as any floor area with a basement above the basement.
be interpreted with regard to the application.

The applicant must provide an application regarding the structure and the Village, the regulations must be
approved and determine how the Village's regulations are to
apply. However, the Village's regulations are to apply. The Village's regulations are to apply.

A variance application to allow the construction of a three-story office building within a basement

Date Review Received: 10/22/2020

Phone: (845) 364-8324, Fax: (845) 364-8343
Pomona, New York 10970
50 Sausannah Road, Building 1
Director of Planning, Health Center
DEPARTMENT OF PLANNING

Rockland County Executive
The General Municipal Law Since Section 239-16m no longer exists, this should be changed to read Section 239-16m of the
Map note #6 states that the site plan has been approved in the manner specified in Section 239-X of the
The application form indicates the property receives water service from United Water. The form must be
9 Turnaround areas must be provided for parking spaces 13, 14, and 28.

of spaces provided
or removed shall be reduced and shall be removed in the number
in addition, providing special conditions on the site for the snow plow to reduce the loss
know where to place the snow pile. This will help to protect landscaped areas from damage due to the weight of the
The proposal for snow removal must be clearly delineated on the site plan so that the snow plows will

sidewalk section to be added.
7 The plan must label the existing driveway on the Worship Place frontage to be removed and a new

monumented on site for the truck's in the event an emergency arises.
Spring Valley Free Press. The Spring Valley Fire Department to ensure that there is sufficient
6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of

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

of October 22, 2020
4 The application must comply with all comments made by the Rockland County Sewer District No. 1 in their letter

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

The following comments address all comments or concerns about this proposal

The Village of New City, by the Village of New City requirements

considerations and economic impacts of permitting such development. The proposal must be received in time to be
considering the requirements of the public water supply will be determined by the Village. The Department of Health and
management must consider whether local roads will become more congested and the sewer system. Stormwater
management must also be considered. The Village will make a determination based on the submitted plans and any
requirements or concerns about this proposal. The following comments address all comments or concerns about this proposal

The General Municipal Law
Subsequent application must provide the information necessary to determine the project's number of stories, floor
required parking for a special permit or license and zoning changes. The Village cannot grant an

This application cannot be approved in its current form. Basic information about the bulk characteristics and

in order to add.
For the land use board's records:

The Board of Appeals of the County of Rockland, New York, pursuant to the provisions of Section 292 of the General Municipal Law of the State of New York, hereby orders and directs that the proposal submitted for the above-named project is hereby approved.
March 24, 2021

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

Tax Data: 50.62-1-9

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

Map Date: 2/11/2021

Date Review Received: 3/1/2021

Item: 11 VALLEY VIEW TERRACE (SV-957A)

A variance application to allow the construction of a two-family residence on 0.16 acres in the R-1A zoning district. Variances are requested for lot area, lot width, side yard, total side yard, rear yard, and street frontage.

The northern side of Valley View Terrace, approximately 360 feet east of Union Road

Reason for Referral:

Town of Ramapo, Pascack Brook

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

*Recommend the following modifications

1. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The proposed lot area is 79% of the required minimum. The lot width and street frontage are 81% and 93% of the required minimums, respectively. The side and total side yards are deficient by 33% and the rear yard is deficient by 10%. 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 size of the building must be reduced to more closely conform to the Village’s bulk requirements.
11 VALLEY VIEW TERRACE (SV-957A)

2 The architectural plans provided by GRF Studio Solutions, Inc., dated February 8, 2021, indicate that the basements levels of both units will contain a lounge, gym, and cafeteria. The applicant must clarify the proposed uses for these spaces. The Village must be assured that no commercial or non-residential uses are proposed. In addition, the cafeteria spaces must not contain kitchen appliances or facilities. The basement levels for each unit have separate entrances, full bathrooms, bedrooms, laundry facilities, and are connected only by interior stairwells that can easily be blocked off to create separate physical spaces. The inclusion of kitchens in the basements would result in the creation of additional dwelling units, based on the Village's definitions. Since multifamily residences are not allowed in the R-1A zoning district, and only four parking spaces are provided, the proposed structure must be limited to two dwelling units.

3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 375 feet northwest and 385 feet east of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities, and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

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

5 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.

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

7 The site plan indicates that the southeastern corner of the structure will be 23.4 feet from the front property line. However, the bulk table indicates that a front yard of 25 feet is proposed. In addition, the application review form does not indicate that a front yard variance is requested. All materials must be consistent. Either the site plan must be amended so that the structure provides a 25-foot front yard, or the bulk table and application review form must be amended. If an additional variance is required for the front yard, then the public hearing notice must be corrected and reissued.

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

9 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.

10 The bulk table indicates that two parking spaces are required and proposed. The bulk table must be corrected to indicate that four parking spaces are required and proposed.
11 VALLEY VIEW TERRACE (SV-957A)

11 The architectural plans provided by GRF Studio Solutions Inc. include a proposed site plan, labelled A-002. This site plan indicates slightly different bulk measurements than the site plan provided by Anthony R. Celentano, P.E., dated February 11, 2021. All materials must be consistent. The applicant must clarify their intentions. If the proposal does not match the Celentano site plan, a revised application must be submitted and forwarded 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.

The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

14 The parcel must be centered within the vicinity map.

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

Douglas J. Schuetz
Acting Commissioner of Planning

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

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

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

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

Pursuant to New York State General Municipal Law §239-m(8), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.