Village of Spring Valley
Zoning Board Agenda
May 27th, 2021

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

A. Call to Order.

2 Styxly Lane
The subject property is located on the east side of Styxly Lane, 0 ft east of the intersection at Youmans Dr and Styxly Lane in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 50.61 block 1 lot 32.2. The applicant is requesting variances for a proposed addition to an existing two-family dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 8,856 sf provided; Lot Width: 105 ft required, 83 ft provided; Front Yard: 25 ft required, 20 ft provided (Youmans); Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 10 ft provided; FAR: Max allowed 65%, 80% proposed.
Applicant: Zev Ostreicher

13-15 Lafayette St
The subject property is located on the west side of Lafayette Ave, 200 ft north of the intersection of White St and Lafayette Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.40 block 1 lot 44.2, 44.3. The applicant is requesting variances for a proposed two-family dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 2,500 sf provided (Lot 1 and Lot 4); Lot Width: 100 ft required, 25 ft provided (Lot 1 and Lot 4); Rear Yard: 20 ft required, 19.3 provided (Lot 1), 20 ft required, 19.1 ft provided (Lot 4); Side Yard: 15 ft required, 0 ft provided (Lot 1 and Lot 4); Total Side Yard: 30 ft required, 8 ft provided (Lot 1 and Lot 4); Street Frontage: 70 ft required, 25 ft provided (Lot 1 and Lot 4); Section 7-736 NYS Village Law-Road Frontage
Applicant: Moredechai Bixenspan
2 Laura Place
The subject property is located on the north side of Laura Place, app 63 ft west of Paiken Dr. in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 50.77 block 2 lot 15. The applicant is requesting variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 6,600 sf provided; Lot Width: 100 ft required, 60 ft provided; Street Frontage: 70 ft required, 60 ft provided; Front Yard: 25 ft required, 22 ft provided; Side Yard: 15 ft required, 10 ft provided; Rear Yard: 20 ft required, 15 provided; Total Side Yard: 30 ft required, 20 ft provided; FAR: Max allowed 65%, 70% proposed
Applicant: Mosdod Meharam Brisk of Tashnad

9 Aselin Dr
The subject property is located on the north side of Aselin Dr, approx. 57 feet west of Stanley Place in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 50.62 block 1 lot 24. The applicant is seeking variances for a proposed addition to a single-family dwelling. The requested variances are as follows: Side Yard: 15 ft required, 9.1 ft provided; Total Side Yard: 30 ft required, 19.6 ft provided.
Applicant: Yosef and Faigy Rotter
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

May 20, 2021

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

Tax Data: 50.61-1-32

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/18/2021

Date Review Received: 4/26/2021

Item:  2 STYSLY LANE (SV-1032)

A variance application to allow the construction of an addition to an existing two-family dwelling on a corner lot with 0.20 acres in the R-2 zoning district. The lot is non-conforming for lot area and lot width. Variances are requested for front yard (Yomans Drive), side yard, rear yard, and floor area ratio.

The northeastern corner of Stysly Lane and Youmans Drive

Reason for Referral:
Town of Ramapo

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

*Recommend the following modifications

1. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The existing lot is already undersized, providing only 98% of the required lot area and 79% of the required lot width for a two-family dwelling on a corner lot. The side and rear yards are deficient by 33% and 60%, respectively. The proposed floor area ratio exceeds the maximum standard by 23%. 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 addition must be reduced in size to more closely conform to the Village's bulk requirements.
2 STYSLY LANE (SV-1032)

2 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 400 feet west and 430 feet north of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-n and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

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

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

5 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed decks comply with this section and do not include any enclosed spaces.

6 The proposed addition and decks are drawn on the site plan with a thicker line than the existing structure. However, the front deck and stairs, which are not labelled as proposed, are also drawn on the site plan with a thicker line. The applicant must clarify whether the front deck and stairs are existing, proposed, or existing but will be replaced. The site plan must be amended to clearly indicate any proposed changes to the front deck and stairs. If an additional variance for the Stysly Lane front yard is required, the bulk table must be amended, a revised application must be sent to this department for review, and a revised public hearing notice must be issued.

7 The bulk table indicates that the proposed front yard on Youmans Drive will be 20 feet. The site plan depicts a distance of 20 feet from the front property line along Youmans Drive to the middle of a staircase on the southern side of the structure. It is unclear why this dimension is shown, as part of the staircase is less than 20 feet from the property line. The site plan and bulk table must be amended to indicate the distance of the closest part of the structure that is not exempt from yard requirements to the property line. If an additional variance is required, a revised application must be submitted for review. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.

8 The application review form and the GML referral form indicate that the tax parcel identification numbers for the property are 50.61-1-32.1 and 50.61-1-32.2. In addition, the title block of the site plan indicates that the tax parcel identification number of the site is 50.61-1-32.2. The ownership of the parcel has been divided by a condominium agreement. The identification numbers 50.61-1-32.1 and 50.61-1-32.2 refer to the two condominium units within the structure. The application review form, GML referral form, and site plan must be amended to indicate that the tax parcel identification number of the property is 50-61-1-32.

9 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.
2 STYSLY LANE (SV-1032)

10 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
    Civil Tec
    Town of Ramapo Planning Board

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

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

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

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

Pursuant to New York State General Municipal Law §239-a(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 finding 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.
May 21, 2021

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

Re: Final ZBA Application for
Premises: 2 Stysly Lane
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 2 Stysly Lane in the Village of Spring Valley. As part of the ZBA review the Rockland County Department of Planning has supplied a letter dated May 20, 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 disapproval along with 10 comments.

The applicant is requesting an override for the recommendation and comment #1. The balance of the comments are acceptable to the applicant and will be addressed.

As to the recommendations and #1 of the GML letter dated May 20, 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. 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 housing will comply with all current regulations including fire suppression and 2020 Building Code. This addition meets the existing family’s needs.

OVERRIDE REQUESTED

Very Truly Yours,

JAMES D. LICATA
April 27, 2021

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

Tax Data: 57.40-1-44.3  57.40-1-44.2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/24/2021

Date Review Received: 4/9/2021

Item: 13-15 LAFAYETTE STREET - LUCRATIVE LLC (SV-988B)

A variance application to construct two attached, two-family residences on two parcels with a total of
0.11 acres in the R-2 zoning district. Variances are required for lot area, lot width, side yard, total side
yard, rear yard, and street frontage for both lots.
The western side of Lafayette Street, approximately 200 feet north of White Street

Reason for Referral:
Town of Clarkstown

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 Neither parcel meets the minimum lot area standard of 8,500 square feet required for a single-family
residence, and provides only one-quarter of the lot area required for a two-family dwelling. Both lots are non-
conforming for width and street frontage, as well. The proposed two-family residences will require substantial
bulk variances to accommodate oversized residential buildings on undersized parcels. 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
required variances must be denied, and only a single-family residence permitted.
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. Both lots provide only 25% of the required lot area and lot width. The street frontages for both lots are 36% of the required minimum. Both lots have zero-foot side yards. Parcel 57.40-1-44.3 has a zero-foot total side yard and the total side yard for parcel 57.40-1-44.2 is deficient by 73%. 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 single-family dwellings can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal:

3 The Town of Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is approximately 460 feet east of the parcels. 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-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 protective of the goals and objectives of the general area.

The Town of Clarkstown 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 Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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

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

6 The bulk table indicates that the total side yard for parcel 57.40-1-44.3 is eight feet. The site plan indicates that the structure is proposed to be built on both side property lines, resulting in a total side yard of zero feet. The bulk table must be corrected. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.

7 The site plan indicates that stormwater runoff from the structure will be managed by a drywell located on the southernly adjacent parcel. The site plan must be amended to indicate the necessary access easements between the properties. In addition, the applicant must verify that a single 1,000 gallon drywell has adequate capacity to manage the stormwater from all structures serviced by it. The combined footprint of both structures is approximately 2,255 square feet. One inch of rain captured from the roofs of the two structures will produce approximately 188 cubic feet, or 1,406 gallons, of stormwater. It is not clear if this drywell is also intended to capture stormwater from the structures on the adjacent parcel, in addition to the subject parcels. Adequate drainage must be provided.
In recent years, the Rockland County Planning Department has been raising an issue regarding significant discrepancies with the floor area ratio (FAR) provided on site plans. The attorney for the Village's ZBA wrote to the County explaining that the FAR does not include the basement if it is 7.5' or less in height. While we are cognizant of the definition for FAR regarding the basement height for the Village, we still have questions regarding the ratio provided on the plans. To date, we have still not received any plans that provide the needed information to make an informed decision regarding the FAR calculation. Given the information provided, we believe that this application has a noteworthy discrepancy with the FAR that must be addressed.

The site plan indicates that the proposed structures on both parcels will have three stories and FARs of 0.65. However, the site plan shows a building footprint of approximately 880 square feet for the structure on parcel 57.40-1-44.2. 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 2,640 square feet. This would result in an FAR of 1.06. The structure on parcel 57.40-1-44.3 has a footprint of approximately 1,375 square feet. Assuming, again, each story will have a gross floor area equal to the footprint, the proposed structure will have an overall gross floor area of approximately 4,125 square feet, which results in an FAR of 1.65. Although these are estimates, FARs of 1.06 and 1.65 are 62% and 154% greater than the allowed maximum FAR of 0.65, respectively. The magnitude of these discrepancies requires further attention. The applicant must positively demonstrate that the proposed structures will conform to the Village's FAR requirement; FAR calculations must be provided on the site plan. These calculations must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If the either 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.

The structure at the rear of parcel 57.40-1-44.3 must be labelled.

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

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.

The turnaround areas indicated on the site plan are only approximately six feet wide. This is not an adequate width to allow a vehicle to turn around. The parking configuration will force vehicles to back out into the roadway, as well as over a sidewalk. This is a potential hazard to motorists and pedestrians. The parking must be reconfigured to provide adequate turnaround areas.

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.

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 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.
13-15 LAFAYETTE STREET - LUCRATIVE LLC (SV-988B)

15.1 The proposed structure on parcel 57.40-1-44.3 is to be attached to the structure on the southerly adjacent parcel. The site plan must be amended to include the adjacent parcel so that the Village can properly evaluate the entire proposal.

15.2 The map notes must include district information.

15.3 Map note 6 refers to section 239N of the General Municipal Law. The map note must be corrected.

15.4 The GML referral form has an incorrect section number for both parcels. The form must be corrected. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.

Douglas J. Schultz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Saver District #1
Anthony R. Celentano P.E.
Town of Clarkstown Planning Board

Rockland County Planning Board Members

NY State 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 exercises, (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.
Spring Valley ZBA  
Village of Spring Valley  
200 North Main Street  
Spring Valley, New York 10977

Re: Final ZBA Application for  
Premises: 13-15 Lafayette 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 13-15 Lafayette Street in the Village of Spring Valley. As part of the ZBA review the Rockland County Department of Planning has supplied a letter dated April 27, 2021 pursuant to section 239 of the General municipal Law. The purpose of this review is the property’s proximity to the Town of Clarkstown. The Planning Department review issued a disapproval along with 15 comments.

The applicant is requesting an override for the general disapproval and comments #1, 2, 11 & 12. 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 April 27, 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. 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 housing will comply with all current regulations including fire suppression and 2020 Building Code. The village is in need of smaller reasonable priced homes. Units of approximately 812 square feet will afford young families the opportunity to purchase/rent starter homes.

OVERRIDE REQUESTED

b. 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. The
construction of six units of affordable size (813 sf) is beneficial to the Village as small units are not available within the Village. These smaller units will be easier to price at a more reasonable price.

 OVERRIDE REQUESTED

c. With respect to comment #11, 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

d. As to comment #12, the applicant is providing garages for each unit. Each unit has a turnaround provided that will allow each car to turn around. The turnarounds are sufficient as proposed.

Very Truly Yours,

JAMES D. LICATA

JDL/sk
May 25, 2021

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

Tax Data: 50.77-2-15

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

Item: 2 LAURA PLACE (SV-1031)

A variance application to allow the construction of a two-family dwelling on 0.15 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, rear yard, floor area ratio, and street frontage.
The northern side of Laura Place, approximately 80 feet east of Paiken Drive

Reason for Referral:

Town of Ramapo

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

*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.
2 LAURA PLACE (SV-1031)

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 66% and 60% of the required minimums, respectively. Street frontage is 88% of the required minimum. The side and total side yards are deficient by 33%. The front and rear yards are deficient by 12% and 25%, respectively. The proposed floor area ratio exceeds the maximum standard by 8%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. As indicated above, only a single-family dwelling can be constructed to maintain the integrity of the zoning ordinance.

The following comments address our additional concerns about this proposal.

3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 280 feet west and 330 feet north of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

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

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

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

6 The 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.

7 Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed rear decks comply with this section and do not include any enclosed spaces.

8 The structure within the western side yard, north of the proposed entrance, must be identified on the site plan. If it represents an existing structure that is to be removed, it must be labelled as such.
2 LAURA PLACE (SV-1031)

9 In recent years, the Rockland County Planning Department has been raising an issue regarding significant discrepancies with the floor area ratio (FAR) provided on site plans. The attorney for the Village’s ZBA wrote to the County explaining that the FAR does not include the basement if it is 7.5’ or less in height. While we are cognizant of the definition for FAR regarding the basement height for the Village, we still have questions regarding the ratio provided on the plans. To date, we have still not received any plans that provide the needed information to make an informed decision regarding the FAR calculation. Given the information provided, we believe that this application has a noteworthy discrepancy with the FAR that must be addressed.

The site plan indicates that the proposed structure will have three stories and an FAR of 0.70. However, the site plan shows a building footprint of approximately 2,920 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 8,760 square feet. This would result in an FAR of 1.33. Although this is an estimate, an FAR of 1.33 is 90% greater than the proposed FAR of 0.70. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structure will conform to the stated FAR; an FAR calculation must be provided on the site plan. This calculation must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If the FAR exceeds the proposed 0.70, 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.

10 Pursuant to General Municipal Law (GML) Section 239-r 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.

11 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.

12 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.

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

12.2 The map notes must include parcel specific information such as lot area, zoning designation, ownership, and existing and proposed use.

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

Douglas A. Schueler
Acting Commissioner of Planning
2 LAURA PLACE (SV-1031)

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(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."
May 25, 2021

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

Tax Data: 50.62-1-24

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/12/2021

Item: YOSEF & FAIGY ROTTER - 9 ASELIN DRIVE (SV-1033)

A variance application to allow the construction of an addition to an existing single-family dwelling on
0.20 acres in the R-1A zoning district. Variances are requested for side yard and total side yard.
The northern side of Aselin Drive, approximately 85 feet east of Stanley Place

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. 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.

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

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

4. The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The
municipal boundary is approximately 230 feet east of the parcel. As required under Section 239mn of the State
General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed application
and provide any concerns related to the project to the Village of Spring Valley.

5. A floor area ratio calculation must be provided on the site plan. This calculation must include a floor by floor
tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due
to its height.
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.

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    Rockland County Drainage Agency
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