Village of Spring Valley
Zoning Board Agenda
June 9th, 2021

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

A. Call to Order.

7 Wilsher Dr.
The subject property is located on the southwest side of Wilsher Dr., 222 ft east of Mosier Ct in a R-1A zone. The property is designated on the Town of Ramapo Tax Map as section 49.68 block 1 lot 31. The applicant is seeking variances for a proposed small addition with guest room and washroom. The requested variances are as follows: Side Yard: 15 ft required, 3.39 ft provided.

Applicant: Fast Froward Permits

2 Stysly Lane- Continued from May 27th, 2021.
The subject property is located on the east side of Stysly Lane, 0 ft east of the intersection at Youmans Dr and Stysly 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

83 S. Madison Ave
The subject property is located on the west side of Sherwood Ave, approx. 75 ft north of Singer Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.62 block 1 lot 41. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Area: 10,000 sf required, 6,835 sf provided; Lot Width: 100 ft required, 50 ft provided; Street Frontage: 70 ft required, 50 ft provided; Side Yard: 15 ft required, 9.4 ft provided; Total Side Yard: 30 ft provided, 18.8 ft provided.

Applicant: 83 S. Madison LLC
17 Paiken Dr.
The subject property is located on the west side of Paiken Drive, approx. 290 feet south of Maple Ave in a R-2 zone. The property is designated on the Town of Ramapo Tax Map as section 57.21 block 1 lot 28. The applicant is seeking variances for a proposed Two-Family Dwelling. The requested variances are as follows: Lot Width: 100 ft required, 70 ft provided; Side Yard: 15 ft required, 10 ft provided; Total Side Yard: 30 ft required, 20 ft provided.
Applicant: 17 Paiken LLC.

2 Laura Place- Continued from May 27th, 2021.
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
PROPOSED TWO FAMILY RESIDENCE FOR:

83 S. MADISON AVENUE
**Proposed Two Family Residence For: 83 S Madison Ave Villages of Spring Valley Rockland County, New York**

**TABLE B1**

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<th>Species and Grade</th>
<th>Size (inches)</th>
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**Note:** Check sources for availability of lumber in desired sizes and sizes. Text continues on the next page.
March 24, 2021

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

Tax Data: 57.62-1-41

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/15/2021

Date Review Received: 3/1/2021

Item: 83 SOUTH MADISON AVENUE (SV-1026)

A variance application to allow the construction of a two-family residence on 0.16 acres in the R-2 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, rear yard, and street frontage.
The western side of South Madison Avenue, approximately 165 feet south of Singer Avenue

Reason for Referral:

Town of Ramapo, 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 slightly more 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.
83 SOUTH MADISON AVENUE (SV-1026)

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 68% of the required minimum. The lot width and street frontage are 50% and 71% of the required minimums, respectively. The side and total side yards are deficient by 33%. The front and rear yards are deficient by 20% and 25%, respectively. 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 one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 181 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 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 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 0.65. However, the site plan shows a building footprint of approximately 2,378 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 7,134 square feet. This would result in an FAR of 1.04. Although this is an estimate, an FAR of 1.048 is 81% greater than the allowed maximum FAR of 0.65. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structure will conform to the Village’s FAR requirement; an FAR calculation must be provided on the site plan. This calculation must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.
83 SOUTH MADISON AVENUE (SV-1026)

7 The site plan indicates that the proposed structure will be 14.9 feet from the rear property line. However, the bulk table and the application review form do not indicate that a variance of the rear yard is required. The bulk table and application review form must be corrected. In addition, the public hearing notice must be reviewed and, if it contains incomplete information, re-issued.

8 Based on aerial photographs, the subject property has a shared driveway with the adjacent property to the north. The applicant must confirm that the property is not subject to any cross-easements or that any access rights will be compromised.

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 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.

11 All entries, sidewalks, stairs, and window wells must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes and that the proposed parking spaces do not impede pedestrian access.

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. Celentano 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 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.
November 25, 2020

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

Tax Data: 57.21-1-28

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

Date Review Received: 11/5/2020

Item: 17 PAIKEN DRIVE (SV-1018)

A variance application to allow the construction of a two-family dwelling on 0.27 acres in the R-2 zoning district. Variances are requested for lot width, side yard, and total side yard. The western side of Paiken Drive, approximately 380 feet north of Maple Avenue

Reason for Referral:

Town of Ramapo

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

*Disapprove

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

Multifamily structures are not a permitted use in the R-2 zoning district. In addition, the four parking spaces provided are inadequate for the four units depicted in the architectural drawings. The application must be disapproved and the property must be developed within the allowed uses of the R-2 zoning district.

The following comments address our additional concerns about this proposal.
PAIKEN DRIVE (SV-1018)

2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The lot width is 70% of the required minimum. The side and total side yards are deficient by 33%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development. The proposed structure must be reduced in size to more closely conform to the bulk requirements of the Village.

3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the rear property line of the parcel. New York State General Municipal Law states that the purposes of Sections 239-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 site plan indicates that the proposed structure will have three stories and an FAR of 0.65. The architectural plans provided, although reduced in size and not to-scale, indicate that the lowest level is at grade level and, therefore, does not meet the Village's definition of a basement. In addition, the lowest level has a ceiling height of over 7.5 feet, and would not be exempt from floor area ratio calculations if it did meet the definition of a basement. The site plan shows a building footprint of approximately 3,250 square feet. Assuming each story will have a gross floor area equal to the footprint, the proposed structure will have an overall gross floor area of approximately 9,750 square feet. This would result in an FAR of 0.81. Although this is an estimate, an FAR of 0.81 is 25% greater than the allowed maximum FAR of 0.65. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structure will conform to the Village's FAR requirement; an FAR calculation must be provided on the site plan. This calculation must include a floor by floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

7 The bulk table indicates that the proposed structure will have 2 and 1/2 stories. The architectural plans provided depict a three-story structure. The bulk table must be corrected.

8 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.
17 PAIKEN DRIVE (SV-1018)

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

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

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

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

13. The NYS Department of State has determined that the Village is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Village’s administration and enforcement of the State Uniform Fire Prevention and Building Code initially raised in the Executive Deputy Secretary of State’s letter of July 15, 2016, and subsequently again in December 18, 2017, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

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

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

cc: Mayor Alan Simon, Spring Valley
    Rockland County Department of Health
    Rockland County Sewer District #1
    New York State Department of State
    Anthony R. Celetano P.E.
    Town of Ramapo Planning Board

Rockland County Planning Board Members

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

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