# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

**Arlene R. Miller**
*Deputy Commissioner*

July 25, 2016

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

**Tax Data:** 57.31-1-20

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 1/8/2016 **Date Review Received:** 6/29/2016

**Item:** ***43 NORTH MADISON (SV-843B)***

Variances for lot width, front yard, side yard, rear yard, total side yard, floor area ratio and number of principal buildings to allow the construction, maintenance and use of a 12-unit, multi-family development on .73 acres in a GB zoning district with a Floodplain Overlay. The proposal includes one nine-unit building and one three-unit building.

West side of North Madison Avenue, opposite Lawler Boulevard

**Reason for Referral:**

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**

By definition, special permit uses are subject to a higher standard of review. As noted in our special permit and site plan review, the Village Board and Planning Board must be satisfied that the proposed multi-family development complies with the General Standards for special permit uses outlined in Section 255-27, as well as the individual standards and requirements contained in Section 255-28.J. (Floodplain Overlay District development) and Section 255-28.K. (Mixed-use development). In addition, the proposal must conform to the GB bulk standards.

We believe that this proposal is deficient in meeting both the special permit and bulk standards. The multi-family development must be scaled back so that it more closely conforms to the requisite standards particularly as they relate to the Floodplain Overlay District. It is not possible to determine if the proposed construction is in compliance with floodplain regulations based on the information provided. Only one principal building shall be permitted. The number of units must be reduced or the overall square footage decreased. The applicant is seeking an almost 32 percent increase in the maximum allowable floor area ratio but is not providing any of the amenities

specified in Section 255-28.K.(4).

The following comments address our additional concerns about the variances.

1 A review shall be completed by the New York State Department of Transportation and any comments considered.

2 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

3 The 100-year flood plain must be delineated on the plans and all development kept out of it. As required in Section 255-28J, all new construction must be above the base flood elevation.

4 A review must be completed by the County of Rockland Drainage Agency and their comments considered.

5 The comments in the June 20, 2016 letter from the County of Rockland Department of Health must be met.

6 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 8, 2016.

7 The proposed residential development must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of Spring Valley fire inspector, or the Spring Valley Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.

9 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

10 The GML application form indicates that the parcel is located in an R-2 zoning district. This is incorrect. The GB zoning designation must be noted on all application materials. If the public hearing notice lists the zoning district incorrectly, then it will have to be corrected and re-posted.

11 The incorrect site is indicated on the vicinity map. This must be corrected.

12 The site plan shall include map notes that list all appropriate information, including the district details.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation
Federal Emergency Management Agency
Rockland County Drainage Agency
Rockland County Department of Health
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

## 43 NORTH MADISON (SV-843B)

Spring Valley Fire District

Anthony Celentano P.L.S.

Green Gardens Realty LLC

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.*