



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

November 18, 2013

ARLENE R. MILLER  
Deputy Commissioner

Spring Valley Planning Board  
200 N. Main Street  
Spring Valley, NY 10977

**Tax Data:** 57.46-2-20    57.54-1-17.2    57.54-1-17.1

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

**Map Date:** 6/3/2013

**Date Review Received:** 10/22/2013

**Item:** *CHURCH OF GOD OF PROPHECY (SV-791B)*

Site plan for a 20,468 SF church, an 1,800 SF modular storage building and associated driveways and parking on 1.2632 gross acres (1.2391 net acres) in the PO and R-2 zoning districts. The lot line between Lots 57.46-2-2- and 57.54-1-17.2 will be eliminated. Access and drainage easements will be provided over Lot 57.54-1-17.1. A temporary slope easement will also be provided during construction. A dwelling will eventually be built on Lot 57.54-1-17.1.

South side of Route 59, 275 feet west of South Madison Avenue and opposite Chestnut Street; east side of Ridge Road, 250 feet south of Route 59

**Reason for Referral:**

NYS Route 59

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 An updated review of the June 3, 2013 site plan shall be completed by the New York State Department of Transportation (DOT) and any required permits obtained. The applicant must comply with DOT's letter of January 12, 2012.
- 2 This department is not in favor of municipalities granting parking variances for sites located on state roads. Inadequate on-site parking could impede the safe and efficient flow of traffic along Route 59. This is of particular concern when special events such as weddings, confirmations, etc. are scheduled that may result in more vehicles entering the site. The project narrative indicates that the applicant previously made overflow parking arrangements with the East Ramapo Central School District to allow off-site parking at Spring Valley High School. Proof must be provided that the school district is still willing to accommodate overflow parking. If not, the applicant must pursue an off-site parking agreement with another nearby property owner to ensure that vehicles do not park along the state highway if on-site parking is insufficient.

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3 The Village of Spring Valley's parking requirement for churches or places of worship is at least one parking space for each 200 SF of floor area, but not less than one space for each four seats. The floor area of the church building (20,468 SF) is used in the parking calculation. Thus, the on-site parking requirement is 102 spaces based on the square footage. While the minimum requirement of one space for each four seats is noted in the parking calculation, the total number of seats is not indicated. The project narrative states that the maximum capacity of the church is 350 congregants. If this is the estimated seating capacity, at least 88 parking spaces must be provided. While this is less than the on-site parking requirement based on the building's square footage, it must still be included in the parking calculation. The parking calculation must be revised accordingly.

4 Areas dedicated for snow piles must be clearly delineated on the site plan in locations other than parking spaces given the on-site parking deficiencies. Landscaped areas shall also be avoided so that plants are not damaged by the weight of the snow or salt intrusion during snow removal.

5 There shall be no net increase in the peak rate of discharge from the site at all design points.

6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for this steeply-sloped site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

7 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

10 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

11 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Spring Valley Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.

12 The proposed church building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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13 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.

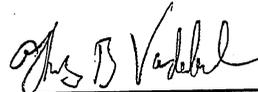
14 Lot 57.54-1-17.2 is located in an R-2 zoning district. This must be noted in the application materials including the project narrative. Only the site plan indicates that the church site is in two zoning districts.

15 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

16 The purpose of the proposed above ground, 6' x 10' heated structure shown in the front yard is unclear. Additional information must be provided about this structure.

17 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.

The project narrative indicates that the building will have two levels but the site plan depicts a one and a half story building. Given the 35-foot height of the structure, we believe it is a two-story building. The number of stories should be clarified on the site plan and in the bulk table.



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Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Mayor Noramie Jasmin, Spring Valley  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Office of Fire and Emergency Services  
Sparaco & Youngblood, PLLC  
Spring Valley Fire District  
New York State Department of State,  
Division of Code Enforcement and Administration  
Ira M. Emanuel, P.C.  
Bishop Clarence Peters

*\*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.*

