



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

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County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

ARLENE R. MILLER  
Deputy Commissioner

December 20, 2013

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

**Tax Data:** 50.70-1-9

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

**Map Date:** 5/29/2013

**Date Review Received:** 11/20/2013

**Item:** *LEON & AIDEL GROSS (SV-806A)*

Variances for lot area, lot width, side yard, total side yard, floor area ratio and street frontage to allow the construction, maintenance and use of an addition to an existing single-family residence on .1737 gross acres (.0868 net acres) in an R-1A zoning district with a Floodplain Overlay.  
Southwest side of Stanley Place, opposite Aselin Drive

**Reason for Referral:**

Pascack Brook, 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***

Special permit applications are by definition subject to a higher standard of review. In addition to meeting the Floodplain Overlay (FPO) District special permit requirements outlined in Section 255-28.J., projects must conform to the bulk requirements of the underlying zoning district. The site is subject to lot area deductions due to its location within the FPO District. These deductions serve to limit development in flood-prone areas. 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 ability of the existing infrastructure to accommodate oversized residences on non-conforming, environmentally-constrained 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.

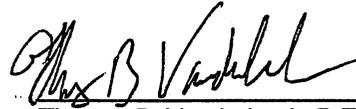
The net lot area is almost 56% less than the minimum lot area requirement. The proposal requires a 81.5% increase in the maximum Floor Area Ratio because the addition is larger than the existing building. The surrounding neighborhood is characterized predominantly by single-family residences with significantly smaller building footprints. Granting a floor area ratio variance of this

**LEON & AIDEL GROSS (SV-806A)**

magnitude will set a land use precedent that has the potential to change the community character of this neighborhood. The proposed addition must be scaled back to more closely conform to the R-1A zoning district bulk standards as they relate to the net lot area.

We offer the following additional recommendations on this proposal.

- 1 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of December 10, 2013.
- 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 proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 The subject site is located within the R-1A zoning district. The application materials including the project narrative and site plan incorrectly indicate the R-1 zoning district. This information must be revised to reflect the appropriate zoning.
- 5 The bulk table indicates that the street frontage is 173.44. This is incorrect. The street frontage is just over 65 feet, and requires a variance. The bulk table must be corrected.



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

cc: Mayor Demeza Delhomme, Spring Valley  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Anthony R. Celentano P.E.  
Town of Ramapo  
New York State Department of State,  
Division of Code Enforcement and Administration  
Leon & Aidel Gross

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.*