



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

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 28, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 57.47-1-52

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

**Map Date:** 5/9/2014

**Date Review Received:** 6/30/2014

**Item:** *DAHAN/22 SOUTH MAIN STREET (SV-253B)*

Variances for lot area, lot width, front yard, side yard, total side yard and parking to allow the continued maintenance and use of a mixed use development on .2161 acres in GB. The applicant is proposing commercial uses on the first floor, an apartment on the second floor and two apartments on the basement level.

East side of North Main Street, 110 feet north of Van Orden Avenue

**Reason for Referral:**

North Main Street (NYS Route 45); Pascack Brook, 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 A special permit is required for mixed-use developments in the GB zone. The special permit application is subject to a review by this department as mandated under the New York State General Municipal Law.
- 2 It is unclear if this proposal has been reviewed by the Spring Valley Planning Board. Typically, the Planning Board refers projects requiring variances to the Zoning Board of Appeals. The site plan application is subject to a review by this department as mandated under the New York State General Municipal Law.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 4 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

**DAHAN/22 SOUTH MAIN STREET (SV-253B)**

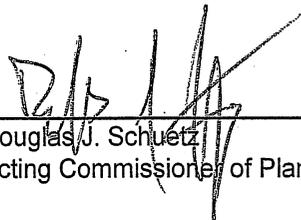
5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 7, 2014.

6 Basement apartments are generally occupied by building superintendents. Two apartments are proposed on the basement level. While street level access to the basement is available at the rear of the building, it is unclear if a second apartment is permissible under the New York State Uniform Fire Prevention and Building Code. The proposed mixed-use building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 This department is not generally in favor of granting parking variances for sites located on state roads. The applicant is proposing only ten of the required 12 parking spaces. The Village must be satisfied that there is adequate curbside or municipal parking available if additional parking spaces are needed. Alternatively, the applicant can pursue an off-site parking arrangement with a nearby property owner to make up for the two-space shortfall.

8 Parking space #1 appears to be compromised by curbing to the north. It will be difficult to maneuver in or out of this parking space. The curbing must be realigned so that there is full access to parking space #1.

9 A dumpster enclosure must be illustrated on the site plan. It must be fully accessible to sanitation workers, and not blocked by parked vehicles.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Anthony R. Celentano, P.E.  
New York State Department of State,  
Division of Code Enforcement and Administration  
David Dahan

*\*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.*