



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 22, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.47-1-8

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

Map Date: 11/19/2013

Date Review Received: 3/25/2014

Item: *REV. MICHEL SITE PLAN (SV-808)*

Site plan for a five-unit, multi-family residence on .2161 acres in an R-3 zoning district.
Northeast corner of Van Orden Avenue and Franklin Street

Reason for Referral:

NYS Route 45, NYS Route 59, Pascack Brook

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 Multi-family dwellings are a permitted use in the R-3 zoning district provided that the maximum residential density does not exceed 18 units per acre. The applicant is proposing five units on a .22-acre parcel. This results in a residential density of 23 units per acre. The maximum number of units permitted on this site is 3.89. The number of units must be reduced so that the proposal more closely conforms to the R-3 zoning district bulk requirements.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 5 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

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- 6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 9 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.
- 10 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.
- 11 A landscaping and lighting plan shall be submitted for our review.
- 12 The ten off-street parking spaces must be illustrated on the site plan.
- 13 A dumpster enclosure must be illustrated on the site plan. Sanitation workers must be able to easily access the dumpster enclosure.
- 14 On-site amenities such as playground equipment or a seating area must be illustrated on the site plan.



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

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Robert E. Sorace, PLS
New York State Department of State,
Division of Code Enforcement and Administration
Spring Valley Fire District
Rev. Jacques Michel

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**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.

