



**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 Zoning Board of Appeals  
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-808A)*

Variances for lot area, lot width, front yard, side yard and residential density to allow the construction, maintenance and use of 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.

**REV. MICHEL SITE PLAN (SV-808A)**

- 4 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 applicant is seeking a lot area variance of more than 76 percent, as well as 28 percent increase over the maximum permitted residential density. The ability of the existing infrastructure to accommodate increased residential density on undersized lots 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 Village must consider the cumulative and regional impacts of permitting such development.
- 5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 6 It is not possible to determine if the proposed ten parking spaces are achievable. The off-street parking spaces must be illustrated on the site plan so their feasibility can be evaluated.
- 7 The bulk table must indicate that a variance is required for maximum residential density.



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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 Sewer District #1  
Robert E. Sorace, PLS  
New York State Department of State,  
Division of Code Enforcement and Administration  
Rev. Jacques Michel

*\*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.*