COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 9, 2014

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

Tax Data: 50.79-2-10 50.79-2-9

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

Map Date: 4/28/2014 **Date Review Received:** 6/10/2014

Item: ***WILLIAM PRESS/MULTI-FAMILY DWELLING (SV-741D)***

Special permit application for a 19-unit multi-family development in two buildings on 1.065 acres in a GB zoning district.
South side of Ewing Avenue and north side of Homer Lee Avenue, 200 feet east of Route 45.

Reason for Referral:

NYS Route 45

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 While we are not opposed to allowing a multi-family development as a special permit use on this site, we believe the proposal must conform to the special permit standards outlined in Article VII, as well as the individual standards listed in Section 255-28.K. and the GB bulk standards for this use. The applicant is proposing the maximum residential density of 18 units per acre. A Floor Area Ratio variance of 20 percent is required. Neither building meets the rear yard requirement of 50 feet. The site plan submitted does not show any landscaping or on-site amenities. Since two- and three-bedroom units are proposed, the future residents will likely include children. Dedicated recreational space will enhance this multi-family community. The building footprints must be scaled back to conform to the GB bulk standards for this use. This can be accomplished by reducing the number of units or the size of the units.

2 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 3, 2014.

3 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 12, 2014.

WILLIAM PRESS/MULTI-FAMILY DWELLING (SV-741D)

4 Both parcels are partially within the 100-year floodplain. The floodplain boundaries must be noted on the site plan. A net lot area calculation shall be provided since Section 255-18A (Special Bulk Requirements) stipulates as part of any minimum lot area requirement, not more than 50% of any land subject to or within the one-hundred-year frequency floodplain shall be counted.

5 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.

6 Section A-10.E.(3) which regulated the number of bedrooms in a multi-family dwelling was repealed on March 25, 2008. This requirement shall be deleted from the bulk table.

Douglas J. Schuetz
Acting Commissioner of Planning

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

**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.