



**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

July 9, 2014

ARLENE R. MILLER  
Deputy Commissioner

Spring Valley Planning 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-741E)*

Site plan 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 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.

**WILLIAM PRESS/MULTI-FAMILY DWELLING (SV-741E)**

- 3 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.
- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 5 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 3, 2014.
- 6 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 12, 2014.
- 7 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 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.
- 10 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.
- 11 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.
- 12 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 13 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 14 A landscaping and lighting plan shall be submitted for our review.
- 15 The dumpster enclosures must be accessible to sanitation workers for trash collection purposes. Parked vehicles must not hinder access to the dumpster enclosure. It appears that it will not be possible for sanitation workers to access the dumpster serving the southern building if vehicles are parked in parking spaces 31 and 34. This dumpster enclosure must be relocated.

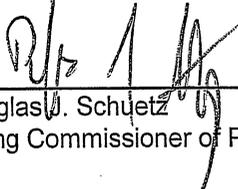
**WILLIAM PRESS/MULTI-FAMILY DWELLING (SV-741E)**

16 Turnaround areas must be provided at the northern end of the parking lots serving the southern building. Otherwise, it will be difficult to exit spaces 30, 31, 34 and 37,

17 Areas must be designated and clearly delineated on the site plan for storage of snow piles during snow removal. This will ensure that there is adequate on-site parking during the winter months. It will also protect any proposed landscaping from damage due to the weight of the snow and salt intrusion.

18 The elevations for the base and the top of the proposed retaining walls must be indicated on the site plan. The retaining walls cannot exceed four feet in height unless they are tiered and landscaped.

19 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.

  
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Douglas W. Schuetz  
Acting Commissioner of Planning

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

