



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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April 14, 2015

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

Tax Data: 50.53-2-1

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

Map Date: 2/9/2015

Date Review Received: 3/16/2015

Item: 24 MERRICK AVENUE (SV-821A)

Variances to permit a two-lot subdivision in the R-1A zoning district on a .32-acre parcel. Required variances include: less than the required lot area, lot width, side yard, and total side yard for both lots; and less than the required front yard and rear yard for proposed Lot #1.
Southeast corner of Merrick Drive and N. Rigaud Road

Reason for Referral:

Town of Ramapo

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 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is 155 feet west of the site. As required under Section 239-nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Spring Valley.
- 2 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

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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 ability of the existing infrastructure to accommodate increased residential density on non-conforming, 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 buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

6 An outdated version of the Short Environmental Assessment Form is included with this application. The New York State Department of Environmental Conservation revised its SEQRA forms in 2013. The applicant must use the current forms.

7 The bulk table indicates that the minimum lot width must be 85 feet, or 90 feet if the parcel is a corner lot. This is incorrect, and must be changed to be 80 feet, or 90 feet if a corner lot.

8 Two-family detached dwellings are permitted by right if all requirements of Appendix B, Section B-1.1 for the R-1A zoning district are met. The proposed lot area for both lots is deficient; Lot #1 is 37% smaller than permitted. In addition, variances for lot width, side yard, and total side yard is required for both parcels; and variances for front yard and rear yard are also required for Lot #1. Since the lots are smaller than required, to better conform with the zoning district bulk requirements, the buildings must be scaled back in size.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Sewer District #1
Rockland County Department of Health
Civil Tec Engineering & Surveying PC
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration

**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.