



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

February 25, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 50.62-1-4

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

Map Date: 1/6/2015

Date Review Received: 1/30/2015

Item: *ACHIM REALTY NY INC. (SV-811)*

Variances for lot area, lot width, front yard (Union Road and Valley View Terrace), rear yard and parking in the front yard to allow the construction, maintenance and use of a two-family residence on .152 acres in the R-1A zoning district.

North side of Valley View Terrace, east side of Union Road

Reason for Referral:

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 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of February 5, 2015.
- 3 The minimum lot area requirement listed in the bulk table is incorrect. Since the subject site is a corner lot, the minimum lot area requirement is 9,000 SF not 8,500 SF. The bulk table shall be corrected.
- 4 The stacked parking arrangement is unacceptable. Vehicles must be able to exit the site without the need for other vehicles to be moved first. The parking areas must be reconfigured so that the four required on-site parking spaces are fully accessible. The building footprint will have to be reduced to accomplish this.

ACHIM REALTY NY INC. (SV-811)

5 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 minimum lot area variance of more than 26 percent. 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.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 The subject site is located in the R-1A zoning district. The site plan includes the correct zoning district information but the application form indicates that the zoning designation is R-2. This is incorrect. All application materials must be consistent.

8 While the site plan shows the outline of the existing residential structure with a dashed line, it does not indicate that the building is to be removed. This shall be noted on the site plan.

9 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Health
Anthony R. Celentano P.L.S.
New York State Department of State,
Division of Code Enforcement and Administration
Joel Fekete

**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.