



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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August 7, 2015

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

**Tax Data:** 57.32-1-29      57.32-1-28

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

**Map Date:** 6/15/2015

**Date Review Received:** 7/24/2015

**Item:** *BETHUNE GARDENS (SV-838)*

Site plan for a the proposed construction of two apartment buildings, which will house 10 units each, for a total of 20 units in the PRD zoning district. The proposed development consists of two parcels that total .87 acres, plus includes a right-of-way for Ben Wild Road (Prospect Street) which is .22 acres. East side of Bethune Boulevard, north and south sides of Ben Wild Road; project also includes a portion of the right-of-way for Ben Wild Road

**Reason for Referral:**

Town of Clarkstown

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:

***\*Disapprove***

As a first step in permitting this proposed apartment development, the applicant must appear before the Spring Valley Village Board to officially have Ben Wild Road (Prospect Street) abandoned, and purchased/transferred to their ownership. Until that action is taken, it is not feasible to review the proposed special permit, site plan, lot line mergers, and variance applications.

We request the opportunity to review the proposed development once the land within the right-of-way has been abandoned as a public roadway, and purchased/transferred to the applicant. The following recommendations address our additional concerns about the site plan.

1 The maximum permitted density is 18 units per acre. If Ben Wild Road is abandoned and transferred to the applicant as part of the development, then the total lot area will be 1.09 acres, which can only legally contain 19 units. The number of dwelling units must be decreased so that no variances are required for the residential density.

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2 The Town of Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the two parcels. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 The comments in the July 28, 2015 letter from the Rockland County Sewer District No. 1 must be met.

5 Once Ben Wild Street is abandoned and transferred to the property owner, and the lot lines are to be deleted, as required by the Rockland County Stream Control Act, the plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

6 Both handicapped parking spaces are located in the southern parking area. A resident of the northern building, who is handicapped, will have to cross the parking lot travel way in order to access between the building and the handicapped parking space. One of the handicapped spaces must be relocated to the northern lot so that access is safer for residents in both buildings.

7 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

8 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on-site for emergency vehicles.

10 The one proposed garbage enclosure is located behind the parking spaces, making it difficult to access if cars are parked in these southwestern spaces. It must be clarified if this is a dumpster that must be accessed by a truck, or cans that can be accessed by foot. If access is needed by truck, then the dumpster must be located where it is not blocked by parking spaces.

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11 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

12 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

13 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect any landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since only a minimum number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the residents of the apartment buildings.

14 A landscaping plan shall be submitted for our review.

15 A lighting plan shall be submitted for review. No lighting shall shine beyond the property line.

16 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

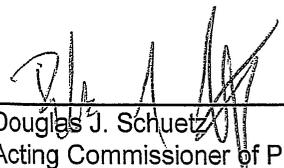
17 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

18 There shall be no net increase in the peak rate of discharge from the site at all design points.

19 Map Note #7 of the General Notes must be revised to indicate that the plans do not conflict with Section 239 l & m of the General Municipal Law.

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

21 A special permit use is required for this proposed apartment development according to Section 255-14, Appendix A, Subsection A-6. Multifamily dwellings are listed as a special permit of the Village Board in Subsection A-6 B(10) of the PRD zoning district. We request the opportunity to review the proposed multifamily development when it is transmitted to the Village Board for the special permit use.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Planning Board  
Rockland County Office of Fire and Emergency Services

**BETHUNE GARDENS (SV-838)**

Civil Tec Engineering & Surveying PC  
Town of Clarkstown Planning Board  
Construction Expediting  
New York State Department of State,  
Division of Code Enforcement & Administration

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Rockland County Planning Board Members

*\*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.*