



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

Building T

Pomona, NY 10970

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**EDWIN J. DAY**  
County Executive

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

February 26, 2015

**ARLENE R. MILLER**  
Deputy Commissioner

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

**Tax Data:** 57.37-1-46

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

**Map Date:** 1/6/2015

**Date Review Received:** 1/30/2015

**Item:** *AARON BROWN (SV-813)*

Variations for lot area, lot width, side yard, total side yard, street frontage and parking in the front yard to allow the construction, maintenance and use of a two-family residence on .1320 acres in an R-2 zoning district.

West side of Collins Avenue, 320 feet south of Church Street

**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 300 feet west of the site. As required under Section 239nn 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 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of February 5, 2015.
- 3 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

**AARON BROWN (SV-813)**

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 applicant is seeking a lot area variance of almost 43 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.

5 Aerial photography taken in 2013 shows a shared driveway between this parcel and the lot to the north. The driveway width on Lot 57.37-1-45 is less than ten feet. The site plan submitted with this application indicates that a portion of the driveway on the subject site will be eliminated and the on-site parking will be provided within the front yard on the east side of the residential building. The driveway access to the site is narrower than the parking area. The area in front of the entrance staircase is labeled turnaround area. The parking area is very constrained and the location of the turnaround area is not ideal. Vehicles are likely to reverse out of the parking spaces directly onto Collins Avenue. The building footprint must be reduced to allow for a better parking lot configuration and to ensure that there is sufficient maneuverability on-site for vehicles to exit forward.

6 The location of the parcel is incorrect on the GML referral form. The application review form also references Valley View Terrace. These forms must be corrected. All application materials must be consistent.

7 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.



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Douglas J. Schuetz  
Acting Commissioner of Planning

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

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

**AARON BROWN (SV-813)**

*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.*

