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

ARLENE R. MILLER
Deputy Commissioner

June 1, 2015

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

Tax Data: 57.22-1-27

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

Map Date: 4/8/2015 **Date Review Received:** 5/5/2015

Item: ***JEAN R. PIERRE (SV-824)***

Variances for lot area, front yard, side yard, total side yard and street frontage to allow the construction, maintenance and use of an addition to an existing three-family residence on .2295 acres in an R-2 zoning district.
Terminus of Harriet Tubman Way, 150 feet north of Schevchenko Place

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 approximately 425 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 variances required for the proposed addition and provide any concerns related to the project to the Village of Spring Valley.

2 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 residences of this size 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.

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

JEAN R. PIERRE (SV-824)

4 Given the deficient street frontage and the 12-foot wide driveway access, a review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

5 The proposed addition will be considerably larger than the existing residential building. The building footprint of the addition covers almost three times more lot area than the current structure. While Spring Valley's bulk requirements do not include a maximum standard for development coverage, we believe that this proposal will result in an excessive amount of impervious surface on this parcel. This has implications for stormwater management. The proposed addition must be scaled back or pervious pavers must be used in the parking area to reduce the on-site impervious surface area.

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.

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
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Jean R. Pierre

**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.