



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

March 26, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 50.79-2-10 50.79-2-9

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

Map Date: 9/2/2014

Date Review Received: 2/26/2015

Item: *WILLIAM PRESS (SV-741G)*

Variations for front yard, side yard and parking to allow the construction, maintenance and use of an 18-unit, multi-family development in two buildings on 1.1032 acres in a GB zoning district.
South side of Ewing Avenue and north side of Homer Lee Avenue, 200 feet east of Route 45

Reason for Referral:

NYS Route 45

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 While we are not opposed to allowing a multi-family development as a special permit use on this site, we believe the proposal must conform to the special permit standards outlined in Article VII, as well as the individual standards listed in Section 255-28.K. and the GB bulk standards for this use. Eighteen residential units are now proposed. This translates to 16.3 units per acre or close to the maximum residential density of 18 units per acre. Though 36 on-site parking spaces are required, only 33 are provided. Neither building meets the front yard requirement of 30 feet. The smaller building requires a side yard variance. The site plan submitted does not show any landscaping. A play area is proposed but no other on-site amenities such as benches. Appropriate landscaping and on-site amenities will enhance this multi-family development by creating a sense of community. The building footprints must be scaled back to conform to the GB bulk standards for this use. This can be accomplished by further reducing the number of units or the size of the units.
- 2 Both parcels are partially within the 100-year floodplain. The floodplain boundaries must be noted on the site plan. A net lot area calculation shall be provided since Section 255-18A (Special Bulk Requirements) stipulates as part of any minimum lot area requirement, not more than 50% of any land subject to or within the one-hundred-year frequency floodplain shall be counted.

WILLIAM PRESS (SV-741G)

- 3 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 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 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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 6 An updated review of the September 2, 2014 site plan must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant must comply with the conditions of the Health Department's letter of June 3, 2014.
- 7 An updated review of the September 2, 2014 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District No. 1's letter of June 12, 2014.
- 8 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of August 21, 2014.
- 9 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 10 Given that the minimum parking requirement is not achieved, and yard variances are needed, we are concerned about whether there is adequate maneuverability on the site for emergency vehicles. Since fire zones and fire department connections are not shown on the site plan, it is not possible to determine if emergency responders have unimpeded access for fire-fighting purposes. It must be demonstrated that there is sufficient maneuverability on-site for fire trucks and other emergency vehicles.
- 11 Turnaround areas must be provided at the western end of both parking areas so vehicles in spaces 1 and 21 can safely maneuver on the site. In addition, if all of the parking spaces are occupied, it will be difficult for other vehicles to turn around and exit the site.
- 12 There is a notation on the September 2, 2014 map that states, "Piece obtained from Tax Lot 50.79-2-13." No other explanation is offered for the .0382-acre increase in the area of the subject site. Additional information must be provided about this land transfer, and its intended use.
- 13 Section A-10.E.(3) which regulated the number of bedrooms in a multi-family dwelling was repealed on March 25, 2008. This requirement shall be deleted from the bulk table.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation

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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.E.
New York State Department of State,
Division of Code Enforcement and Administration
William Press

**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.

