



# Rockland County

Ed Day, Rockland County Executive

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## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

November 28, 2016

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

**Tax Data:** 57.31-1-20

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 7/31/2016

**Date Review Received:** 10/28/2016

**Item:** **43 NORTH MADISON (SV-843C)**

Special permit application to allow the construction, maintenance and use of an 11-unit, multi-family development on .73 acres in a GB zoning district with a Floodplain Overlay.  
West side of North Madison Avenue, opposite Lawler Boulevard

### 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:

### ***\*Disapprove***

By definition, special permit uses are subject to a higher standard of review. The Village Board must be satisfied that the proposed multi-family development complies with the General Standards for special permit uses outlined in Section 255-27, as well as the individual standards and requirements contained in Section 255-28.J. (Floodplain Overlay District development) and Section 255-28.K. (Mixed-use development). In addition, the proposal must conform to the GB bulk standards.

We believe that this proposal is deficient in meeting both the special permit and bulk standards. It is not possible to determine if the proposed construction is in compliance with floodplain regulations based on the information provided. The applicant is seeking a 33 percent increase in the maximum allowable floor area ratio (FAR) but is not providing any of the amenities specified in Section 255-28.K.(4). The FAR has increased since the last submission despite the elimination of one building and one unit. The multi-family development must be scaled back in size so that it more closely conforms to the requisite special permit and bulk standards particularly as they relate to the Floodplain Overlay District. The number of units must be further reduced or the overall square footage decreased.

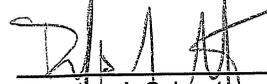
**43 NORTH MADISON (SV-843C)**

The following comments address our additional concerns about the special permit application.

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 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.
- 3 The 100-year flood plain must be delineated on the plans. There shall be no structures located within the floodplain area. As required in Section 255-28J, all new construction must be above the base flood elevation.
- 4 An updated review of the July 31, 2016 Layout Plan must be completed by the Rockland County Drainage Agency. In addition, the recommendations in their July 25, 2016 must be addressed, particularly as they relate to the 100-year flood hazard area and stormwater runoff.
- 5 The NYS Department of State has determined that the Village is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Village's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of Spring Valley fire inspector, or the Spring Valley Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 7 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code. All required permits and/or approvals must be obtained.
- 8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of October 25, 2016.
- 9 The project narrative must reference both sections of the Zoning Code pertaining to the required special permit. Only Section 255-27 is noted. The individual standards listed in Sections 255-28.J. and 255-28.K. also apply and must be included in the narrative discussion.
- 10 The proposed Play Area is shown over a piped water channel. It is unclear how this will be accomplished given the conflicting uses of the same land area. Clarification must be provided.
- 11 The project narrative states that "The parking lot will be screened from the neighbors by using landscaping and lighting." The sentence must be revised to replace "lighting" with "fencing" as this will provide more effective screening.
- 12 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.
- 13 The revised site plan for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.

**43 NORTH MADISON (SV-843C)**

14 The additional variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley  
New York State Department of Transportation  
Federal Emergency Management Agency  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Anthony R. Celentano P.L.S.

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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

