

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 8, 2016

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

Tax Data: 50.80-1-27 50.80-1-11

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

Map Date: 10/28/2015

Date Review Received: 2/11/2016

Item: *EWING PROPERTIES/90-94 EWING AVENUE (SV-837B)*

Special permit to allow the construction, maintenance and use of a multi-family housing development comprised of 15 units on .64 acres. The subject site consists of a .44-acre parcel in an R-2 zoning district with a PRD Overlay in the Village of Spring Valley, and a .20-acre parcel in the R-15 zoning district in the Town of Ramapo.

South side of Ewing Avenue, east side of Rose Avenue

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:

****Disapprove***

The subject site consists of two adjacent parcels located in different municipalities and zoning districts. Multi-family housing is permitted on the larger parcel which is in the Village of Spring Valley and zoned R-2 with a PRD Overlay. Only single-family detached housing is permitted on the smaller parcel located in the Town of Ramapo and zoned R-15. Parking lots are not an as-of-right or special permit use in Ramapo's R-15 zoning district. The applicant must apply for a building permit from the Town of Ramapo. A use variance will be required, as well as site plan approval.

Section A-5.E.(2) of the Spring Valley Zoning Code stipulates that the density for multifamily dwellings shall be a maximum of 18 dwelling units per acre. We believe that only the land area within the Village of Spring Valley can be used to calculate the maximum residential density for this proposal. A maximum of eight units is permitted on the .44 acre parcel in the R-2 zoning district with a PRD Overlay. No additional units shall be approved. This will eliminate the need for variances and allow for additional on-site amenities.

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This proposal cannot proceed until the Town of Ramapo's Zoning Board of Appeals grants a use variance to permit the .20-acre site within their R-15 zoning district to be used as a parking lot. Alternatively, the applicant must reduce the scale of the proposal so that the residential building and all required on-site parking are contained on the .44-acre parcel within the Village of Spring Valley.

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

1 By definition, special permit uses are subject to a stricter standard of review. The Village must be satisfied that a scaled back proposal complies with the Special Permit Use Requirements outlined in Article VII including the general standards listed in Section 255-27, as well as Section 255-27.1.B., C. and D.

2 Section A-6.B. of the Spring Valley Zoning Code lists the uses by special permit allowed in the the PRD overlay district. Section A-6.B.(10) specifies multi-family dwellings. This department is not opposed to allowing a multi-family housing development on the parcel located in the Village of Spring Valley. As noted above, the total number of units must be reduced to eight.

3 The applicant must apply for a building permit from the Town of Ramapo since 20 of the 30 proposed parking spaces are located on a tax lot within the Town of Ramapo. As noted above, parking lots are not allowed by right or by special permit in Ramapo's R-15 zoning district. A use variance is therefore required. The site plan for tax lot 50.18-1-27 is also subject to review and approval by the Ramapo Planning Board. These actions are subject to a review by this department as mandated by the New York State General Municipal Law.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. As noted above, the municipal boundary runs through the subject site. 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 countywide 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 that is supportive of the goals and objectives of the general area.

The Town of Ramapo 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 Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 28, 2015.

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

7 The bulk table must indicate that a variance is required for residential density.

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8 A landscaping and lighting plan shall be submitted for our review. It is not possible to determine if this proposal conforms to Section 255-27.B. or D. without this information.

9 General Note 7 must be revised to reference Section 239L and M of the General Municipal Law as this is a special permit application, not a subdivision plat.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State,
Division of Code Enforcement & Administration
Spring Valley Fire District
Civil Tec Engineering & Surveying PC
Town of Ramapo

Jacob Grunwald

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.

