

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 16, 2016

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

Tax Data: 57.32-1-36 57.32-1-35

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

Map Date: 11/3/2015

Date Review Received: 2/17/2016

Item: *TURNER GARDENS (SV-795B)*

Special permit application for a multi-family development consisting of 23 units in two buildings on 1.29 acres in an R-2 zoning district with a PRD overlay. The existing warehouse building will be separated into two buildings. A second and third story will be added to these structures. The existing single-family residences will be removed. The lot line between the two parcels will be eliminated.

West side of Bethune Boulevard, 533 feet north of Clinton Street and opposite Ben Wild Road

Reason for Referral:

Town of Clarkstown

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 By definition, special permit uses are subject to a higher standard of review. The Village Board must be satisfied that this proposal conforms to the Special Permit Use Requirements outlined in Article VII of the Zoning Code.
- 2 The applicant must satisfactorily address the concerns related to density, community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service raised in the Town of Clarkstown Planning Board's letter of November 19, 2015.
- 3 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Spring Valley Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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- 5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 2, 2015.
- 6 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 8 The November 5, 2015 Negative Declaration submitted with the special permit application must be revised to indicate that 23 dwelling units are proposed in two separate buildings.
- 9 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line.
- 10 General Note # 19 must be changed to indicate Sections 239L and M of the General Municipal Law, as this is a special permit application not a subdivision.



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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
New York State Department of State,
Division of Code Enforcement & Administration
Spring Valley Fire District
Civil Tec Engineering & Surveying PC
Town of Clarkstown

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

TURNER GARDENS (SV-795B)

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.

