

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 13, 2017

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

Tax Data: 57.24-1-50

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

Map Date: 11/1/2012

Date Review Received: 2/24/2017

Item: 33 ROSE AVENUE (SV-848)

Site plan for an eight-unit, multi-family housing development on .3685 acres in a PRD zoning district.
South side of Crispus Attucks Street, west side of Rose Avenue

Reason for Referral:

Towns of Ramapo and 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:

****Disapprove***

Multi-family dwellings are a special permit use in the PRD zoning district. They are subject to the special permit requirements contained in Article VII, particularly Section 255-27, as well as the PRD use requirements and bulk standards. It is not possible to determine if this proposal conforms to Section 255-27. B. or D. because a landscaping plan has not been submitted. Section A-6.E.(2) specifies that the density for multi-family dwellings shall be a maximum of 18 dwelling units per acre. The applicant is proposing a residential density of almost 22 units per acre or nearly 21 percent greater than the permitted maximum. A variance of close to 20 percent is required for minimum lot area. The front and rear yards are also deficient. The applicant is seeking a 67 percent increase over the maximum permitted floor area ratio. These deviations from the special permit, additional use and bulk requirements indicate that this proposal will result in an overutilization of the site. The multi-family development must be scaled back to more closely conform to the requisite standards. A maximum of six units shall be permitted.

The following comments address our additional concerns about the site plan proposal.

33 ROSE AVENUE (SV-848)

1 The Towns of Ramapo and Clarkstown are the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is 215 feet east of the site; the Clarkstown municipal boundary is 290 feet southeast of the subject parcel. 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 Towns of Ramapo and Clarkstown 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 Towns of Ramapo and Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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 increased residential density on undersized, non-conforming parcels 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 Town must consider the cumulative and regional impacts of permitting such development.

3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 A review shall be completed by the Rockland County Sewer District #1 and all required permits obtained.

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 Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

33 ROSE AVENUE (SV-848)

- 8 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 9 All proposed decks, entrances, stairways, window wells, walkways and dumpster/refuse containment areas must be clearly labeled and delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.
- 10 The proposed driveways on the west side of the site front along a ten-foot alleyway that does not appear to be paved. It is unclear whether vehicular traffic is permitted in this alleyway, or if an access easement is required. It is too narrow for two-way traffic so only one passenger vehicle can enter or exit the site at a time. Fire trucks and emergency vehicles will be unable to use this access. Since the alleyway is not a dedicated road, maintenance responsibility must be established. These issues must be clarified. The western residential units must be reconfigured so that the driveway access is from a public road.
- 11 The proposed driveways along Rose Avenue extend beyond the property line. The portion of the driveways that are not located on the parcel cannot fulfill the on-site parking requirement.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 14 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.
- 15 The site plan shall contain additional map notes that list all appropriate information, including the district details.
- 16 United Water is listed as the water district on the application form. This must be changed to SUEZ.
- 17 The special permit required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.
- 18 The 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
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.E.

33 ROSE AVENUE (SV-848)

Towns of Ramapo and Clarkstown

33 Rose Avenue LLC

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.