



# Rockland County

Ed Day, Rockland County Executive

## 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*

January 10, 2017

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

**Tax Data:** 57.32-1-31

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

**Map Date:** 9/15/2015

**Date Review Received:** 12/9/2016

**Item:** **42 BETHUNE BOULEVARD (SV-401A)**

Site plan for a 12-unit multi-family development on .4634 acres in an R-2 zoning district with a PRD overlay.

East side of Bethune Boulevard, approximately 415 north of Clinton Street

**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:

***\*Disapprove***

1 As per Section A-6.E.(2), the maximum permitted residential density for multifamily dwellings in the PRD zone is 18 units per acre. The applicant is proposing 12 units on .4634 acres for a residential density of almost 26 units per acre. This is nearly 44 percent greater than the permitted maximum. A total of eight units is allowed on this site. The number of units must be reduced to comply with the Zoning Code requirements. This will reduce or eliminate the need for yard variances, and allow for additional open space areas and on-site amenities.

## **42 BETHUNE BOULEVARD (SV-401A)**

2 This area is characterized by parcels which are relatively uniform in size, and which contain similar sized residential structures. The adjacent parcels to the east, located in the Town of Clarkstown, are located within the R-10 zoning district, which permits approximately four units per acre. Permitting a 12-unit multi-family with a density of this extent will set a precedent whereby other owners of nearby parcels will request similar densities. The increased residential density of the neighborhood will dramatically change, exacerbating issues related to drainage, traffic, stormwater runoff, community character, water quantity and quality, and sanitary sewer service. The increased density resulting from this precedent setting development proposal will have detrimental effects on all of these issues, and must not be permitted.

The following recommendations address our additional concerns about the proposed site plan.

3 Multi-family dwellings are a special permit use in the PRD overly zone requiring Village Board approval. A special permit application must be submitted to the Village Board for this proposal. It must comply with the special permit use requirements outlined in Article VII, as well as the PRD bulk standards and the pertinent additional use requirements listed in Section A-6.E.

4 The Town of Clarkstown is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the 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 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 Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 This parcel is located in an R-2 zoning district with a PRD overlay. The R-2 zoning designation is not indicated on the site plan or in the application materials. This must be corrected.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 15, 2016.

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

8 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.

**42 BETHUNE BOULEVARD (SV-401A)**

- 9 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.
- 10 All proposed building entrances, stairways, decks and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements.
- 11 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.
- 12 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.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 14 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.
- 15 A landscaping plan that meets all Village requirements shall be provided.
- 16 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 17 Any proposed signage shall be shown on the site plan and conform to the village's sign standards.
- 18 Currently as drawn, a truck would have to occupy parking space #1 to access the dumpster. If a vehicle is parked in this space how will the dumpster be accessed. It must be indicated how the dumpster will be accessed at all times.
- 19 The site plan shall contain additional map notes that list all appropriate information, including the district details.
- 20 The special permit application required for multi-family dwelling is subject to a review by this department, as mandated by the New York State General Municipal Law.
- 21 The variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.



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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

**42 BETHUNE BOULEVARD (SV-401A)**

Spring Valley Fire District

Anthony R. Celentano P.L.S.  
Town of Clarkstown

Abraham Israel

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.*