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

November 30, 2017

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

Tax Data: 50.70-1-19

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/27/2017 **Date Review Received:** 11/14/2017

Item: ***YAKOV ENGEL - TWO-FAMILY RESIDENCE (SV-851A)***

A Special Permit application to construct a two-family residence on 0.20 acres in the R-1A zoning district. A Special Permit is required because the property is located within a floodplain.
The northern side of King Terrace, approximately 200 feet east of Union Road.

Reason for Referral:

Pascack Brook, 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:

Recommend the following modifications

1 There appears to be a discrepancy between the boundary of the floodplain shown on the site plan and the FEMA floodplain boundary shown on available maps. A note on the site plan indicates that the floodplain is contained by the streambank wall at the rear of the property. However, digital FIRM maps indicate that approximately one quarter of the property is located within the AE flood zone. Floodplain boundaries are established by FEMA, and a Letter of Map Amendment is required to alter them. The full extent of the floodplain, as established by FEMA, must be shown on the site plan. If necessary, the lot area reduction calculation must be revised to incorporate the full extent of the floodplain, as required by Village regulation, Section 255.18.A.

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 All easements must be verified and displayed in the site plan.

4 The site plan is not consistent with the provided architectural plans dated August 20, 2015. The elevation and first floor plan show a cantilevered area of the Kitchen/Dinette, which is not shown on the site plan. All materials must be consistent and the applicant must clarify his intentions.

YAKOV ENGEL - TWO-FAMILY RESIDENCE (SV-851A)

5 The parking spaces must be redesigned to include a turnaround area to prevent vehicles from backing out into the roadway.

6 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. A NYS variance is required because a deck is proposed within ten feet of the property line.

7 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

8 The site plan shall contain map notes, including district information. In addition, the bulk table indicates the required lot width is 85 feet. The required width is 80 feet. The bulk table must be corrected.

9 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 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 Village must consider the cumulative and regional impacts of permitting such development.

10 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 270 feet to the east of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Spring Valley.

11 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.

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 A review must be completed by the County of Rockland Department of Health and all required permits obtained from them.

15 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

16 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

YAKOV ENGEL - TWO-FAMILY RESIDENCE (SV-851A)

17 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Federal Emergency Management Agency

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

**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.