

DEPARTMENT OF PLANNING

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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: 57.32-1-6

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

Map Date: 4/21/2016

Date Review Received: 12/9/2017

Item: *MEMORIAL PARK HOMES (SV-772E)*

Site plan for an eight-unit, multi-family development on .4688 gross acres (.3926 net acres) in an R-2 zoning district. Two four-unit buildings are proposed.

East side of Memorial Park Drive, north side of Allison Street (paper street) and west side of Lake Street

Reason for Referral:

Pascack Brook

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***

This department has reviewed several multi-family development proposals for this site, as well as a zone change petition to allow a PRD overlay. Given the size of the lot and its location within the 100-year floodplain, we have not supported the density levels proposed. It is our understanding that the RSH zoning district boundary was extended to include this parcel. The RSH zone change was not referred to this department for review. The application materials have not been changed to reflect this new zoning designation.

The current eight-unit, multi-family development will result in an overutilization of the site as evidenced by the number and the magnitude of the variances required to implement it. The lot area is deficient requiring a variance of more than 57 percent. The lot width is also non-conforming. The maximum floor area ratio is exceeded by 100 percent. The residential density is greater than the permitted maximum of 18 units per acre. The distance between the buildings is 15 feet less than the minimum standard, requiring a variance of nearly 43 percent. The required on-site parking cannot be achieved. Seventeen parking spaces are shown beyond the property line on the unimproved section of Allison Street and encroaching onto Lot 52.32-1-47. This proposal must be scaled back to comply with the RSH bulk standards. The development must contain no more than seven units. The building footprints and the square footage of the individual

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units must be reduced to meet the floor area ratio standard. In achieving these bulk standards, the yard variances can be reduced or eliminated. Additional recreational space with amenities including playground equipment and seating can be provided. All parking, stormwater management systems and refuse containers must be located within the property lines of the site.

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

1 Multi-family dwellings are a special permit use in the RSH 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 RSH bulk standards and the pertinent additional use requirements listed in Section A-5.E.

2 The January 3, 2017 letter from the Rockland County Drainage Agency notes that the project site is in violation of the Stream Control Act, as construction activities have been observed without a valid permit. All comments and conditions of this letter must be met, and all permits obtained before any more construction occurs.

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

4 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 14, 2016.

5 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.

6 All development must be kept out of the 100-year floodplain. Currently, one unit and a portion of a second unit are within the 100-year floodplain.

7 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.

8 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.

9 Each unit of the multi-family residences contains a label that reads "indoor car garage" on Sheets 1 through 4. It is unclear if a one- or two-car garage is proposed in each structure. The total number of on-site parking spaces must be clarified.

10 An additional 17 parking spaces are depicted to the south of the residences. As noted above, these 17 parking spaces are not located within the property lines of the subject site. Further explanation must be provided as to why these additional parking spaces are proposed and why they are within the unimproved section of Allison Street and encroaching beyond the property lines of the parcel to the south.

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- 11 The information provided on the bulk table does not correspond with the number of parking spaces shown on the site plan. The total number of parking spaces proposed must be clearly indicated.
- 12 If parking is proposed within the unimproved section of Allison Street, the Village must abandon the roadway and the applicant must purchase the land area or obtain easements over this parcel. The Village's Official Map must be amended, and the deed updated and filed with the County Clerk showing a change in ownership.
- 13 Sheet 2 entitled "Site Plan for Memorial Park Homes" shows a detention area located beyond the property line of the subject site. All stormwater management systems must be contained on-site. As indicated above, if this land is to be used for the proposed development, then the paper street must be abandoned, the land area purchased or an easement obtained, the Official Map updated, and the deed amended and filed with the County Clerk showing the change in ownership.
- 14 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.
- 15 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.
- 16 All proposed building entrances, stairways, decks, window wells and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans.
- 17 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 Village must consider the cumulative and regional impacts of permitting such development. As noted above, the building footprints and number of units must be reduced to more closely comply with the RSH bulk standards.
- 18 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 19 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.
- 20 The bulk table is awkwardly configured and contains incorrect information. The references to the R-2 and PRD zones must be eliminated if the site is now zoned RSH. The correct bulk standards must be indicated.

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21 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. As drawn, the lighting is being located outside of the property line. A indicated above, if this land is to be used for the proposed development, then the paper street must be abandoned, the land area purchased or an easement obtained, the Official Map updated, and the deed amended and filed with the County Clerk showing the change in ownership.

22 Some of the proposed landscaping is being provided on the adjacent lot to the south. A indicated above, if this land is to be used for the proposed development, then the paper street must be abandoned, the land area purchased or an easement obtained, the Official Map updated, and the deed amended and filed with the County Clerk showing the change in ownership.

23 The type of landscaping proposed along the northwestern property boundary must be indicated. In addition, the landscaping proposed along the parking area on the south needs to be labeled clearer as the type proposed. This is particularly critical, as snow piles are often placed in this area. The plants must be able tolerate salt and able to withstand the snow weight. Lastly, the plant list indicates one of the trees to be "ABM" while the label on the plans lists the tree as "AMB." This discrepancy must be corrected.



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
Federal Emergency Management Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Anthony R. Celentano PE

Lester Gross

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.