

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 25, 2017

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

Tax Data: 57.23-1-15

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

Map Date: 5/27/2016

Date Review Received: 12/9/2016

Item: *MONSEY LUMBER & BUILDING SUPPLY CORP (SV-845)*

Zone change petition to rezone .14 acres in the R-2 zone to a GB zoning designation. The applicant is also proposing to merge this parcel with the immediately adjacent lot to the west.
North side of Ohio Avenue, approximately 306 feet east of North Main Street

Reason for Referral:

North Main Street (NYS Route 45)

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:

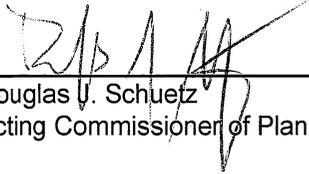
****Recommend the following modifications***

- 1 The subject site is at the western end of an R-2 zone, a medium density residential district consisting of one- and two-family residences. While the surrounding neighborhood is characterized by a variety of land uses including commercial and light industrial, the area to the east and south is predominantly residential in nature. The Village must consider whether it is appropriate to further extend the GB zoning district boundaries into the adjacent residential neighborhood.
- 2 The Village shall assess whether additional screening and/or landscaping must be provided to adequately buffer the adjacent residences.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 14, 2016.

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5 Based on the map submitted with this application, it appears that the single-family residence has been demolished and the adjacent lumber yard use has expanded onto this site. This department has not reviewed a site plan proposal for the new use or an application for any required variances. While the zone change is the appropriate initial action, all of these land use actions are subject to a review by this department as mandated under the NYS General Municipal Law. The current referral is only for the zone change and merger of the two parcels.

6 The application form indicates that this parcel is in an HB and R-2 zoning district. The survey map specifies R-2 zoning. All application materials must be consistent. The existing zoning designation must be clarified.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation
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

Atzl, Nasher & Zigler, P.C

Israel Goldberger

**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.