

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 26, 2017

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

**Tax Data:** 57.23-1-15

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 5/27/2016

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

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

Elimination of the lot line between a .71-acre parcel in the GB zone and a .14-acre parcel in the R-2 zone to merge the two lots. The applicant is also seeking to rezone the .14-acre parcel in the R-2 zone to a GB zoning designation.

North side of Ohio Avenue, approximately 231 feet east of North Main Street, and the southeast corner of Homer Lee Avenue and North Main Street

**Reason for Referral:**

North Main Street (NYS Route 45)

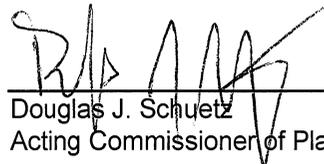
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of December 14, 2016.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

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

- 6 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.
- 7 Based on the map submitted with this application, it appears that the single-family residence on Lot 57.23-1-15 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.
- 8 The application form indicates that Lot 57.23-1-15 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.
- 9 The map must include a bulk table with the GB zoning district requirements for this use so that it can be determined if the proposal complies with the requisite standards.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley  
New York State Department of Transportation  
Rockland County Drainage Agency  
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.*