

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 17, 2018

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

Tax Data: 57.39-1-48

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

Map Date: 3/15/2017

Date Review Received: 7/16/2018

Item: **1 NORTH MADISON AVENUE (SV-861A)**

A site plan application to demolish an existing building, and construct a new three-story office building located on .249 acres in the GB zoning district. Variances are required for lot width, front yard (Madison Avenue), side yard, floor area ratio, and number of parking spaces.
Northwest corner of Commerce Street and North Madison Avenue

Reason for Referral:

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:

****Disapprove***

1 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 applicant is proposing to build a three-story, 10,600+ sq. ft. office building which will require multiple variances to accommodate the oversized building. The lot area just meets the minimum bulk requirement, and the lot width is substandard. The construction of an oversized building on this lot results in the need for very substantial variances for front yard, side yard and rear yard (66.7%, 60%, and 66.7% respectively). In addition, the floor area ratio exceeds the permitted standard by 180%, and the parking is deficient by over 55%. The ability of the existing infrastructure to accommodate an oversized building 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. New construction must abide by the standards of the zone in which they are proposed so that the Village's zoning ordinance is not compromised. The number of stories for the building must be decreased, and the footprint of the building reduced so that the need for variances, especially of this magnitude, are minimized.

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2 The number of parking spaces proposed is deficient by more than 55%. In addition, the parking layout is less than ideal. Parking space #1 is located on the property line. It will be difficult for a vehicle parked in spaces #8 and #16 to maneuver out of the spaces without a turnaround area. A turnaround area must be provided so that vehicles do not have to back out into the roadway. The size of the building must be reduced so that ample parking can be provided for the proposed office building use.

The following additional comments address other conditions and concerns regarding the site.

3 These comments are based on a map dated March 15, 2017 that was submitted with a previous application. The July 16, 2018 GML referral form references a map dated May 7, 2018. The most recently updated site plan must be forwarded to this department for review.

4 The location of the building ingress/egress, walkways, stairs, and other building features must be provided. A proposed walk is labeled on the site plan, but no feature is drawn on the map, making it difficult to determine where the walkway traverses. This information must be provided to determine the inter-relationship of the parking lot to the building, to ensure pedestrian safety on site.

5 A review must be completed by the New York State Department of Transportation, and any concerns or comments addressed, and any required permits obtained.

6 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

7 An updated review of the May 17, 2018 site plan must be completed by the Rockland County Sewer District No. 1 and all required permits obtained from them. In addition, the applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 11, 2018.

8 Map Notes 9 & 10 on the map refer to NR#1 WD for the water district and supplier. Page 1 of 12 of the Application Review Form lists United Water as the Water District. The notes and the form must be corrected to be Suez. In addition, the referral form indicates the property is located in the R-2 zoning district. The referral form must be corrected to the GB zoning district. The public hearing notice must be reviewed and reissued if it contained incorrect information.

9 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.

10 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

11 The designated snow removal area is located between the building and Commerce Street, behind a proposed walkway, and is relatively inaccessible. It is unclear how snow from the parking lot will be moved into the designated area. A designated snow removal area that is accessible from the parking lot must be provided.

12 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.

13 There shall be no net increase in the peak rate of discharge from the site at all design points.

14 A landscaping plan must be provided that includes low, evergreen landscaping along the eastern property line to shield headlights from shining into the roadway.

15 The fire department connections and fire lanes shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

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16 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

17 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

18 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

19 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 Villages 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 office building must be held to the requisite minimum standards and comply with all requirements of this code.

20 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.

21 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 Alan Simon, Spring Valley
New York State Department of State
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.

Rockland County Planning Board Members

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**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.