



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

February 14, 2018

Spring Valley Zoning Board of Appeals
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: 1/8/2018

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

Variations to permit the demolition of an existing building, and construction of a new three-story office building located on .249 acres in the GB zoning district. Required variations include: lot width and 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 variations 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 variations 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 variations, especially of this magnitude, are minimized.

1 NORTH MADISON AVENUE (SV-861)

2 The project description for the site is listed as "two family dwelling" on the Application Review Form, as well as on the Referral Form. Based on the site plan submitted and the bulk table, it is our understanding that the application is for an office building. This must be clarified, and the incorrect use rectified.

3 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 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.

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 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.

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

7 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.

8 A review must be completed by the County of Rockland Sewer District #1 and any comments or concerns addressed, and all required permits obtained.

9 A site plan must be reviewed by the Village Planning Board prior to the commencement of any grading or construction on the site. We request the opportunity to review the site plan under the requirements of the State General Municipal Law, Section 239-m3.(a)(iv).

10 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. This must be corrected to be Suez.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.

1 NORTH MADISON AVENUE (SV-861)

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.

