

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

May 18, 2018

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 57.22-2-6

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

Map Date: 12/18/2017

Date Review Received: 4/4/2018

Item: 22 UNION ROAD (SV-891)

A variance application to allow a two-lot subdivision and the construction of a two-family dwelling for each lot on a total of 0.36 acres in the R-2 zoning district. Variances for both lots are requested for lot area, lot width, side yard, total side yard, and street frontage.

The eastern side of Union Road, approximately 190 feet north of North Myrtle Avenue.

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***

1 Neither proposed lot meets the minimum lot area standard of 8,500 square feet required for a single-family dwelling, and only provides approximately three-quarters of the lot area and one-half of the width required for a two-family dwelling. The proposed two-family dwellings require substantial yard variances to accommodate oversized residential buildings on undersized parcels. A substantial increase of the residential density in this neighborhood of non-conforming parcels will negatively impact community character. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family dwellings are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. The proposed lots are particularly deficient in meeting these more stringent standards. The variance application must be denied.

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2 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 proposed lots provide 76% and 81% of the required minimum lot area. Their lot widths are 50% of the minimum. The side and total side yards are deficient by 33% and their street frontages are deficient by 25%. The ability of the existing infrastructure to accommodate increased residential density on undersized 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. We recommend the variances be denied.

The following comments address our additional concerns about this proposal.

3 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of April 5, 2018.

4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

5 The applicant must comply with all comments made by the Rockland County Drainage Agency in their letter of April 20, 2018.

6 All concerns raised by the Rockland County Office of Fire and Emergency Services in their letter of April 18, 2018 must be satisfactorily addressed.

7 The map notes on the site plan shall include district information.

8 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.

9 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, decks, and window wells must be shown on the map to ensure that there is sufficient access to the building for firefighting purposes.

10 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.

11 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.

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12 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.

for
Deputy Arlene Miller
Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Department of Highways
New York State Department of State

Anthony R. Celentano P.L.S.
Construction Expediting Inc.

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.

