

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 26, 2018

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

Tax Data: 50.45-1-26

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

Map Date: 2/18/2018

Date Review Received: 3/20/2018

Item: 33 N. REGAUD ROAD (SV-899)

Lot area variance to permit the demolition of an existing dwelling, and the construction of a new two-family residence for a parcel located in the R-1A zoning district on .187 acres.

North side of North Rigaud Road, just west of Nancy Lane

Reason for Referral:

Town of Ramapo, Village of New Hempstead, Viola Road (CR 74)

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 Town of Ramapo and the Village of New Hempstead are two of the reasons this proposal was referred to this department for review. The Town of Ramapo municipal boundary is approximately 345 feet west of the subject property line, and the Village of New Hempstead boundary is approximately 345 feet north of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo and the Village of New Hempstead must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Spring Valley.
- 2 As indicated in the April 4, 2018 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate any increase in impervious coverage, an application must be made to them to ensure compliance with the County Mosquito Code.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.

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5 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 curbside 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.

6 The site plan shall contain map notes, including district information.

7 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

8 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.

9 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
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Highways

Anthony R. Celentano P.L.S.
Town of Ramapo, Village of New Hempstead

**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.