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

November 26, 2018

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

Tax Data: 57.55-1-46

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 9/29/2017 **Date Review Received:** 10/9/2018

Item: ***4 JOHN STREET (SV-942)***

Two-lot subdivision of a .26-acre parcel located in the R-2 zoning district. A two family dwelling is proposed to be constructed on each lot. Multiple variances are required for the subdivision, including: lot area, lot width, (Funston Avenue & John Street), side yard, and rear yard for both lots, and total side yard for lot #1.

Southeast corner of E. Funston Avenue and John Street

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 The proposed two-lot subdivision will create two grossly undersized, non-conforming lots, which will result in the need for multiple variances. The lot is only slightly larger than the required 10,000 square feet needed for a single-family residence. Variances of over 43% and 44% will be needed for the lot area in order to permit this subdivision. Creating two undersized parcels with oversized buildings will undermine the intent of the zoning ordinance. Parcels similar in size will request similar subdivisions and variances, ultimately changing the character of the neighborhood, and creating infrastructure capacity issues. Other variances required to permit the two-lot subdivision include lot width, front yard, side yard, rear yard, and total side yard. A doubling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. The creation of two lots will result in lots that are particularly deficient in meeting these more stringent standards. We recommend that the required subdivision be denied.

4 JOHN STREET (SV-942)

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 lot area for Lot #1 is only 56.8 % of the required minimum; and Lot #2 is only 55.8% of the minimum standard. The lot width for both lots are deficient, as well as the front yard, side yard, and rear yard. Street frontage is 71% of the required minimum. 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. As indicated above, the two-lot subdivision must not be approved.

The following comments address our additional concerns about this proposal.

3 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.

4 Map Note #9 indicates that the parcel is located in the R-3 zoning district. The application form, referral form, and bulk tables all indicate that the parcel is located within the R-2 zoning district. All information must be consistent. If the public hearing notice indicates the wrong zoning district, it must be corrected, and reissued.

5 The measurements provided in the bulk tables for the lot widths for both lots do not coincide with the lot widths provided on the site plan. A dimension of 90.97' is provided for the width along Funston Street and 59' for the width along John Street for Lot #2, but the bulk table lists them as 92.91' and 60.09' respectively; and the lot width for Lot #1 is shown to be 79.03' but listed as 84.26' in the bulk table. All information must be consistent and correct. Either the bulk tables or the map dimensions must be corrected with the appropriate information. The public hearing notice will have to be corrected and reissued if the information is incorrect, as the extent of the variances will be greater than listed.

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

7 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.

8 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.

9 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.

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

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

4 JOHN STREET (SV-942)

12 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.

13 The comments in the October 22, 2018 letter from the Rockland County Sewer District No. 1 must be addressed.

14 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
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

**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.