



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
Acting Commissioner

**Arlene R. Miller**  
Deputy Commissioner

May 15, 2018

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

**Tax Data:** 57.63-1-28

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

**Map Date:** 12/1/2017

**Date Review Received:** 4/11/2018

**Item:** 5 EAST CASTLE AVENUE (SV-900)

Variances to permit a two-lot subdivision of .42 acres in an R-2 zoning district; a detached two-family residence is proposed on each parcel. Both lots will require variances for lot area, lot width, side yard, total side yard and street frontage.

North side of East Castle Avenue, 50 feet west of 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***

The proposed subdivision will result in two undersized, non-conforming lots. Since the lot width will be deficient by 50 percent, both structures will require side yard and total side yard variances, and the required on-site parking can only be achieved with a tandem configuration. These deficiencies are an indication that this proposal will result in an overutilization of the site. The subdivision shall not be permitted.

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. While the required lot area variances are less than ten percent, the lot width and street frontage are deficient by 50 percent and almost 29 percent respectively for both parcels. The ability of the existing infrastructure to accommodate increased residential density on undersized, nonconforming 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.

The following comments address our additional concerns about the required variances.

## **5 EAST CASTLE AVENUE (SV-900)**

- 1 A review must be completed by the New York State Department of Transportation, and any required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of April 19, 2018.
- 3 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 4 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.
- 5 A review must be completed by the Village of Spring Valley Fire Inspector and the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 6 The applicant must satisfactorily address the concerns raised in the Rockland County Office of Fire and Emergency Services' April 18, 2018 letter.
- 7 All proposed exterior staircases, building entrances, decks, window wells and sidewalks must be delineated on the site plan demonstrating that they will not impact yard requirements, pedestrian safety and parking maneuverability for the site.
- 8 The use of tandem parking spaces prevents egress for vehicles parked behind 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 subdivision drawing shall contain more complete map notes, including district information.
- 10 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 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.
- 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.

**5 EAST CASTLE AVENUE (SV-900)**

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

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

Joseph Spitzer

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.*

