



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

March 1, 2018

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

**Tax Data:** 50.70-1-74.4

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 9/30/2015

**Date Review Received:** 1/17/2018

**Item:** 68 UNION ROAD (SV-583F)

A three-lot subdivision application with the intent to construct two 2-family dwellings, with an existing single-family dwelling to remain, on 0.49 acres in the R-1A zoning district. Variances are required for: lot area and rear yard for lots 1, 2, and 3; street frontage for lots 1 and 2; and lot width, front yard, and side yard for lot 3.

The northern side of Union Road, approximately 50 feet northwest of Jasinski Road.

### Reason for Referral:

Town of Ramapo, 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***

This parcel was created as part of an earlier subdivision and associated variance applications. On November 13, 1991, a General Municipal Law review was done by this department, which disapproved a variance required for a 6-lot subdivision and recommended reducing the number of lots. A subsequent 4-lot subdivision created the current parcel. This department maintains its position that the creation of additional lots will result in a general overdevelopment of the site, with negative impacts on the nearby Pascack Brook and Town of Ramapo. None of the proposed three lots meets the minimum lot size. In addition, the absence of street frontage requires substantial easements for utilities and access, which results in a loss of usable, open space, thereby exacerbating the impacts of the reduced lot sizes. Because of the number and scope of variances required, along with the challenges of maintaining access to landlocked parcels, we recommend the subdivision be denied.

The following comments address our additional concerns about this proposal.

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- 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. Lot 1 has only 67% of the required area, 58% of the required rear yard, and no street frontage. Lots 2 and 3 have only 50% of the required rear yard and are deficient in meeting the lot area requirement. Lot 2 also has no street frontage. The front and side yards for lot 3 are 43% and 67% of the required minimums, respectively. 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.
- 2 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary lies along the centerline of a section of Union Road, just south and west of the property. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.
- 3 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.
- 4 The number of stories for the proposed structures on lots 2 and 3 is given as "< 3 story" and their proposed FAR is 0.65. However, each building footprint is approximately 2,520 square feet, which represents approximately one-half of the gross floor area allowed for lots of this size. If each structure is assumed to have two stories, the resulting FAR will be 0.64, which is just under the maximum limit of 0.65. If each structure were to have three stories, the resulting FAR would be 0.96, which is 48% greater than the allowed maximum. The applicant must clarify the number of stories of each structure and positively demonstrate that the proposed structure will conform to the Village's FAR requirement. If the FAR exceeds the allowable 0.65, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.
- 5 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of January 11, 2018.
- 6 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of January 23, 2018.
- 7 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of February 1, 2018.
- 8 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 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.

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- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 12 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 13 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 14 All proposed sidewalks, stairs, decks, window wells, entrances, terraces and porches must be shown on the plan, demonstrating that they will not impact yard requirements. If any such features expand the building envelope of the principal structures, the variance application must be amended, the public hearing notice reissued, and subsequently reviewed by this department.
- 15 An existing shed on lot 2 is shown on the plan. It must be clarified if this shed is to be removed or will remain in place.
- 16 The site plan indicates a 20' wide area for a new road realignment. However, no new curb cuts are shown, there is no proposed new location for the existing storm drain, and no indication of what will happen with the existing roadway. The plan must be revised to show the location of curb cuts, the relocation of the storm drain, the continuation of the existing sidewalk over the abandoned entry, and the removal of asphalt and landscaping of the abandoned roadway.
- 17 Due to proximity to the right-of-way, vehicles using parking spaces 3 and 4 on lot 3 have limited sight-distance and room to maneuver. This represents a hazard to vehicles and pedestrians. The parking spaces must be relocated to provide adequate distance from the property line.
- 18 The parking area at the southern end of lot 1 must be eliminated as the required parking spaces for lot 2 would prevent entry and egress.
- 19 The site plan map notes must be expanded to include district information.
- 20 Information regarding responsibility for the maintenance of the ingress/egress and utility easement must be added to the site plan notes.
- 21 The specific height of the proposed buildings must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

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22 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

23 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.

24 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.

25 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

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.*

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*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.*

