Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 27, 2018

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

Tax Data: 57.39-1-17

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/10/2018 **Date Review Received:** 10/17/2018

Item: ***7 N. MAIN STREET (SV-936A)***

Variances to permit the conversion of an existing two-story retail/office use building to a mixed use building on 0.057 acres in the GB zoning district and the Downtown Urban Renewal District. The first floor is proposed to be office/retail and two apartments are proposed for the second floor. Required variances include: lot size, lot width (N. Main Street/NYS Route 45 & Commerce Street), front yard, side yard, rear yard, total side yard, floor area ratio, number of parking spaces, and density.

Southwest corner of East Commerce Street and North Main Street.

Reason for Referral:

North/South Main Street (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:

Recommend the following modifications

1 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

3 The site plan parking calculation is based on the parking requirements of the Downtown Urban Renewal District. However, uses within this overlay district require a minimum lot area of 20,000 square feet. In addition, the bulk table indicates that the applicable requirements are those of the GB zoning district, Group B. The parking requirement for office and retail space within the GB zoning district is one space per 250 square feet, not 300 square feet. The parking calculation must be amended to reflect the correct requirements of the GB zoning district.

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4 All signs shall be shown on the site plan and comply with the Village's sign ordinance.

5 The narrative from the previous application states that, while parking is not provided on site, there is a municipal parking lot near the site. However, no information is provided regarding the parking requirements of the existing uses in the building. This information must be provided in order to determine whether or not the required parking will increase as a result of the proposal. If there is an increase in the required parking, the Village must consider enacting the provisions of section 255-36 of the Village's zoning regulations, which allows for a fee-in-lieu payment towards the Village's parking fund for properties within a central business area. In addition, the Village must ensure that the municipal lot is able to provide adequate parking for this proposal. The Village must make an assessment of the parking demands placed on the municipal lot, and must determine that the lot has the ability to accommodate the demand generated by this proposal.

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

7 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 initially raised in the Executive Deputy Secretary of State's letter of July 15, 2016, and subsequently again in December 18, 2017, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

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
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State

Atzl, Nasher & Zigler P.C.

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.