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

June 7, 2018

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

Tax Data: 57.47-1-52

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/4/2017 **Date Review Received:** 3/20/2018

Item: ***JACOBOV - 22 SOUTH MAIN STREET (SV-253C)***

A site plan application to construct a seven-unit multifamily building on 0.22 acres in the GB zoning district. An existing mixed use building with three residential units is to remain and a total of five parking spaces are proposed. Variances are requested for lot area, lot width, front yard, side yard, rear yard, total side yard, floor area ratio, and number of parking spaces.

The eastern side of South Main Street (NYS Route 45), approximately 110 feet north of Van Orden Avenue.

Reason for Referral:

Pascack Brook, North/South Main Street (NYS Route 45), East Central Avenue (NYS Route 59), state property

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 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 and width are only 47% and 67% of the required minimums for multifamily use, respectively. The existing building is already non-conforming for front, side, and total side yards. The proposed new building completely occupies the required rear yard and encroaches upon the side yard. The GB zoning district allows a maximum of 18 residential units per acre. The maximum number of units allowed on a parcel of this size is 3.9. The proposed ten units result in a residential density that is 256% greater than allowed. The proposed FAR of 0.99 is 65% greater than the allowed maximum of 0.60. The excessive variances for density and floor area ratio indicate that the proposal is an over-utilization of the site. 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. The proposal must be reduced in both square footage and number of units to more closely

conform to the village regulations.

2 The residential component of the proposal requires 20 parking spaces but only provides five, which is 75% deficient. This does not include parking required for the commercial uses, which further exacerbates the deficiency. The proposed structure will occupy the space that is currently used for parking. The addition of seven residential units simultaneously increases demand and decreases available parking. This property is located along a State highway that is a heavily trafficked commercial corridor. Inadequate on-site parking will result in additional traffic congestion and force residents to park throughout the surrounding community and along Route 45. Adequate on-site parking must be provided. The proposal must be scaled back in both square footage and number of units so that all required parking can be provided on site. In addition, given the concerns expressed by the village and members of community about traffic along the Route 59 corridor, a traffic study must be undertaken to assess the impacts of this proposal.

The following comments address our additional concerns about this proposal.

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

4 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.

5 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

6 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of March 6, 2018.

7 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 accessibility and maneuverability on site for fire trucks, in the event an emergency arises.

8 The bulk table indicates that the required floor area ratio is 0.30. The maximum floor area ratio for multifamily use is 0.60. In addition, the GB zoning district has a maximum number of units per acre of 18. The proposed number of units per acre is 46.3. The bulk table must be corrected. The public hearing notice must be reviewed and, if it contains inaccurate information, revised and reissued.

9 The proposed accessways are not wide enough to accommodate two-way traffic. Signage and pavement markings to create a one-way traffic flow, with vehicles entering from South Main Street and exiting to Franklin Street, must be shown on the site plan.

10 The applicant must arrange a long-term, off-site parking agreement to provide for the parking needs of the residents of the building.

11 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

12 The bulk table must provide separate rows of data for the existing structure and the proposed structure. All distances from the proposed structure to property lines must also be shown on the site plan. This information is necessary to evaluate the impact and degree of non-conformity of the proposal.

13 The site plan is not drawn to a 1" = 20' scale, as is indicated. The site plan appears to be drawn to a 1" = 15' scale. A revised site plan drawn to a standard scale must be provided.

JACOBOV - 22 SOUTH MAIN STREET (SV-253C)

14 Parking space and back up dimensions must be illustrated on the site plan. Adequate back up space must be provided for the parking area. In addition, the proposed parking spaces have limited sight distance for drivers while backing up, due to the proximity of the buildings. The spaces must be reconfigured to provide adequate lines of sight for drivers exiting the spaces.

15 The site plan shall contain map notes, including district information. The black marking on the vicinity map east of the subject parcel must be removed. The site plan and vicinity map must be corrected to indicate the property is located on South Main Street, not North Main Street.

16 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.

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

18 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.

19 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.

20 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

22 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

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.

JACOBOV - 22 SOUTH MAIN STREET (SV-253C)

24 As shown, the proposed residential building may require a variance from the New York State Uniform Fire Prevention and Building Code since the proposed building is located closer than ten feet to the property line. In addition, since no specific building height has been provided, it cannot be determined if the building is greater than 30 feet to the eaves. This information must be provided.

25 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.

26 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
New York State Department of State
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Anthony R. Celentano P.E.

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.