



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 26, 2018

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

Tax Data: 50.70-1-36

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

Map Date: 8/19/2016

Date Review Received: 12/29/2017

Item: JOSEPH & SARAH LUGER - 4 TRUMPER ROAD (SV-865)

A variance application to allow the construction of additions to a single-family residence on 0.20 acres in the R-1A zoning district. Variances are requested for lot area, lot width, rear yard, floor area ratio, and parking within the front yard. The property is located within the AE flood zone.

The eastern side of Trumper Road, approximately 90 feet south of Stonehouse Drive.

Reason for Referral:

Pascack Brook, Town of Ramapo

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 majority of this property is located within the AE flood zone designated by FEMA. The proposed additions will approximately double the footprint and overall size of the structure. This represents a substantial improvement and should not be permitted unless the structure is elevated and made to comply with the Village's standards for construction of new and substantial improvements of residential buildings.

The following comments address our additional concerns about the project:

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. After floodplain lot area deductions, the lot area is 51.5% of the required minimum, the rear yard is 61.5% of the required minimum, and the floor area ratio is 68% greater than the allowed maximum. 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.

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- 2 The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. Such an increase in density would alter and negatively impact the community character in this neighborhood. The proposal shall be scaled back to more closely conform to the R-1A bulk standards.
- 3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 75 feet to the south of the property. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Spring Valley.
- 4 A review must be completed by the County of Rockland Drainage Agency and all 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 December 26, 2017.
- 7 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 8 The bulk table on the site plan and the application indicate the property is in the R-1 zoning district, not R-1A, and the vicinity map has highlighted the incorrect property. These errors must be corrected.
- 9 The site plan shall contain map notes, including district information.
- 10 The proposed rear deck is located within five feet of the rear property line and is not in compliance with section 255-22.C of the Spring Valley zoning regulations. The deck must be reconfigured or the variance application amended to allow it, which would require the public notice to be reissued.
- 11 Page 1 of the Application Review Form describes the project as a "single family dwelling." Page 9 describes the project as a "Two family dwelling." The applicant must clarify that the structure is, indeed, going to remain a single-family residence. The Village must review the public hearing notice and, if necessary, reissue it.
- 12 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 Town'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.
- 13 As per section 225-28.J of the Spring Valley zoning regulations, a Special Permit application is required for this project due to its location within FEMA-mapped floodplain. A Special Permit application for this project must be sent to this department for review.
- 14 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.

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15 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
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1

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.

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.

