

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

September 5, 2018

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

Tax Data:

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

Map Date:

Date Review Received: 8/9/2018

Item: *VILLAGE OF SPRING VALLEY - UNDERSIZED LOTS AND PARKING (SV-935)*

A Local Law amending Chapter 255 (Zoning) of the Village of Spring Valley Code to allow for development of existing undersized lots under certain circumstances; and eliminating requirements that parking within the front yard is prohibited.

Throughout the Village of Spring Valley

Reason for Referral:

State and County roads, I-287/87, Pascack Brook, adjacent municipalities

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 The proposed provision regarding existing undersized lots must be amended to only apply to single-family dwellings. The owner of a legal building lot must be allowed to make reasonable use of their property. Therefore, a legally non-conforming lot should not, in and of itself, necessitate a variance in order for the property owner to do so. However, this does not confer on a property owner the right to develop a property in any manner they choose. A single-family dwelling is a reasonable and least intensive use of a lot. Two-family dwellings or multifamily buildings are more intensive uses and require larger properties to accommodate them. This provision must not be used by property owners to bypass minimum lot requirements for more intense uses, and must be limited to single-family dwellings only.

2 The provision of adequate sight distance must be considered in this proposed local law amendment. To ensure that adequate sight distance is provided, the Village must determine a minimum distance that must be maintained from a parked vehicle to the property line. This is especially critical for parcels that front on a State or County highway, as they experience higher traffic volumes and speeds generally. The local law must be amended to include sight distance language.

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3 The proposed provision regarding existing undersized lots must be amended to only apply to legally non-conforming lots and not lots created by variance. The Board of Appeals for the Village of Spring Valley has often granted variances for minimum lot size for subdivisions that created undersized lots. In these circumstances, the lot size deficiency is a self-created hardship. In addition, section 255-56.D(2)(c) of the Village regulations states that "The Board of Appeals... shall grant the minimum variance that it shall deem necessary and adequate..." If the Board of Appeals has granted an area variance, it has already considered the hardships of the property owner and deemed that variance to be the minimum necessary to provide relief. No further relief should be granted to the property owner without the consideration of the Board of Appeals. Once a property has received a lot area variance from the Board of Appeals, any further development of that property must require additional variances.

4 This department has objected to the use of tandem parking spaces for residential developments. The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This encourages residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. This department has frequently recommended the reconfiguration of parking areas to allow independent access for all parking spaces. In addition, we have also frequently objected to the lack of a turnaround area in order to prevent vehicles from backing into a roadway. The existing regulations require a turnaround area "where feasible". The ability to create parking areas closer to the roadway will increase the likelihood that turnaround areas are not provided and that tandem parking spaces will be utilized. The provision to allow parking within the front yard must be amended to avoid these practices. Requirements for independent access to parking spaces and a turnaround area must be included in the proposed amendment.

5 Before amending the zoning ordinance with this revision, the Village should undertake a comprehensive analysis of the specific zoning districts and bulk requirements to ascertain if certain areas are more suitable to permit the elimination of the prohibition of parking within the front yard. As mentioned above, parcels that front along State or County highways must maintain adequate sight distance to ensure safe conditions; and therefore, these parcels may not be ideal in eliminating this prohibition. A review of each zoning district that currently prohibits parking within the front yard must be undertaken to determine if all are appropriate to permit this parking. The Village may want to identify specific criteria that can be used to weigh the benefits versus the disadvantages before amending the zoning ordinance.

6 The shared municipal boundaries with the Towns of Ramapo and Clarkstown, and the Villages of Kaser, New Hempstead, and Chestnut Ridge are some of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed text amendment and provide any concerns related to it to the Village of Spring Valley.

7 A review must be completed by the County of Rockland Department of Highways and any comments considered.

8 A review shall be completed by the New York State Department of Transportation and any comments considered.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency

Village of Chestnut Ridge Planning Board
Town of Ramapo Planning Board

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Town of Clarkstown Planning Board
Village of New Hempstead Planning Board
Village of Kaser Planning Board

**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.

