

**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*

April 23, 2018

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

**Tax Data:** 50.71-1-3

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

**Map Date:** 3/20/2017

**Date Review Received:** 1/18/2018

**Item:** **STONEHEDGE PLAZA - 235 NORTH MAIN STREET (SV-319D)**

A special permit application to use 8,305 square feet of an existing 27,639 square foot office/medical laboratory building as a private secondary school for approximately 75 to 100 children. The lot has a total of 2.74 acres. A 0.23-acre portion of the northern parcel is located in the GB zoning district; and the 2.51-acre portion of the southern parcel is located in the PO zoning district. The existing building is located on the southern parcel. A use variance is required to permit a secondary school in the PO zoning district.

The northwestern and southwestern corners of the intersection of Sneden Place West and North Main Street (NYS Route 45).

**Reason for Referral:**

North 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:

***\*Disapprove***

1 The proposed use is not allowed in the PO zoning district. A use variance application was received by this department for review on January 8, 2018. This department is not generally in favor of granting use variances because of the land use precedent that can be set, and the fact that no bulk standards are applicable for the use in the zoning district. In addition, the criteria for the granting of a use variance are significantly more stringent than for the granting a bulk variance. The applicant must prove an unnecessary hardship exists that cannot be relieved by any allowed use. For the use variance application, the applicant had not provided any evidence that indicated a hardship exists. For these reasons, we disapproved of the use variance application.

Since a secondary school is not allowed in this zoning district, and the applicant has not provided evidence of a hardship that would warrant a use variance, we maintain that the special permit must be disapproved, as well.

**STONEHEDGE PLAZA - 235 NORTH MAIN STREET (SV-319D)**

2 The site plan submitted with the application does not provide details regarding the proposed secondary school use. The site plan must indicate which portion of the building will be used for the secondary school. Will the school be located in just one section of the building? Is a private access available for only the students? Where will buses drop-off and pick-up students? How will the circulation of the buses be safely done? Where will physical education classes takes place? Has parking for the school staff been designated on the site? More details must be provided regarding the school's occupation of the building and the interaction with the other uses in the building, before the special permit can be granted.

The following comments address our additional concerns about this proposal.

3 Two bulk tables are provided on the site plan; one for the PO zoning district, the other for the POR zoning district. It is inferred that the POR zoning district is being provided as a guide for bulk standards for a private secondary school. This is always an issue with granting use variances; not having specific standards for the use in the current zoning district. The Village of Spring Valley must determine the appropriate zoning district standards to use for the proposed use. If the Village does decide to use the standards for the special permit private secondary school in the POR zoning district, then the bulk table must be corrected to reflect the listed standards in Appendix B, Table of General Bulk Requirements, Section B-7B, as they are incorrect as listed.

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

5 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of February 1, 2018.

6 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of January 12, 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 maneuverability on site for fire trucks, in the event an emergency arises.

8 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

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

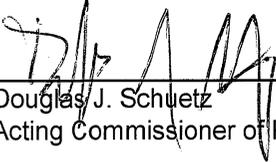
10 The GML referral form lists an incorrect lot number and an inaccurate project description. The section, block and lot number must be corrected and the project description must include the change of use to a secondary school. In addition, the referral form, application form, and site plan indicate the northern section of the lot is located in the R-1 zoning district. Maps maintained by the county indicate the northern section is located in the GB zoning district. This discrepancy must be clarified and, if necessary, the application materials must be corrected.

11 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.

**STONEHEDGE PLAZA - 235 NORTH MAIN STREET (SV-319D)**

12 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.

13 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 Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Sparaco & Youngblood, PLLC  
Spring Valley Planning Board

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.*

