

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 6, 2018

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

Tax Data: 57.38-1-66

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

Map Date: 4/12/2018

Date Review Received: 6/8/2018

Item: *FRANCES VITIELLO - 27 WEST STREET (SV-872B)*

A petition to amend the zoning map to change the zoning district for 27 West Street from the PLI to the R-2 zoning district.

The western side of West Street and the eastern side of Collins Avenue, approximately 350 feet south of Church Street.

Reason for Referral:

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:

****Recommend the following modifications***

- 1 It is unclear why this amendment to the zoning district map is necessary. Electronic maps maintained by the County Planning Department and the provided copy of the Village zoning map, labelled Exhibit B, both indicate that the subject parcel is currently located within the R-2 zoning district. If the village believes that these maps are inaccurate, additional information must be provided regarding the nature of the discrepancy in order to correct any errors.
- 2 The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

FRANCES VITIELLO - 27 WEST STREET (SV-872B)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Department of State

Anthony R. Celentano P.L.S.
Town of Ramapo

**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.