

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 9, 2019

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

**Tax Data:** 56.76-1-1

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

**Map Date:**

**Date Review Received:** 6/26/2019

**Item:** **1-95 GARRISON DR (SLEEPY HOLLOW GARDENS) (SV-972)**

Site plan application to add 40 additional apartments to an existing site containing 132 apartments on 7.15 acres in the R-4 zoning district. The existing basement area will be converted to the additional units. North side of Old Nyack Turnpike, approximately 165 feet east of Brewer Road

**Reason for Referral:**

Village of Chestnut Ridge, Town of Ramapo, Hungry Hollow Road (CR 71), Old Nyack Turnpike (CR 52), NYS Thruway 87/287

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 Section A-4.E(4) of the Village code states that no living quarters should exist below finished grade. The creation of additional units in a basement requires a variance of this section. A variance application must be submitted and sent to this department for review.

2 The project description on the application review form and the Short Environmental Assessment Form states there will be 40 additional apartments constructed, while the site plan indicates 48 additional apartments will be constructed. This discrepancy must be addressed and corrected. If the public hearing notice is incorrect, it must be corrected and re-issued. All application information must be consistent so that the exact proposed project can be properly evaluated.

3 Floor plans must be provided for the basement apartments. It must also be indicated if these units are only one-bedroom and, if not, a breakdown for the bedroom types must be provided.

4 A review must be completed by the County of Rockland Department of Highways, any comments or concerns addressed, and all required permits obtained.

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5 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

6 A review must be completed by the County of Rockland Department of Health and any required permits obtained.

7 A review must be completed by the New York State Thruway Authority and any required permits obtained.

8 The Town of Ramapo and the Village of Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the western and southwestern property lines of the parcel. The Chestnut Ridge municipal boundary is along a portion of the southeastern section of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Chestnut Ridge 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 and the Village of Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 The location of the additional apartments are not clearly indicated on the site plan. This must be shown in order to gain a sense of the scale of the project and to assess their location in relation to the associated parking.

10 The bulk table does not state specific values for the provided lot width, maximum height, and floor area ratio. These must be included to provide an accurate description of the proposed site plan.

11 A total of 30 parking spaces are located on the parcel adjacent to the rear property line. The applicant must demonstrate that they have obtained permission to use the neighboring property for these spaces, or the spaces must be removed and not count towards meeting the parking requirement. If permission has been granted, the plans must show easements for this parking.

12 The western end of the proposed 36-space parking area is being located over an existing sidewalk. The sidewalk must be relocated.

13 The new 5 space parking area is being proposed over the western portion of the existing sidewalk and a metal structure used for mailboxes. In addition, the easternmost space is directly adjacent to and touching the decks. The parking spaces must be relocated elsewhere on site, or the engineer must demonstrate how the parking will work in conjunction with these features to ensure that a safe pedestrian environment is continued. The decks may have to be relocated if the parking interferes with them. Lastly, the plans must illustrate the new location for the mailboxes.

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14 Turnaround areas must be provided at the eastern end of both of the proposed parking areas. The turnaround areas must not conflict with pedestrian walkways. In addition, the existing parking area with parking spaces 150 - 169 must also have turnaround areas provided, especially since a pedestrian sidewalk is located directly behind parking spaces 154, 159, 164, and 165, and can create conflicts and safety issues between pedestrians and vehicles.

15 Parking requirements of one space per 3/4 units applies only to rental units. The applicant must confirm that all units are rental units, and not condominiums or co-ops.

16 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents of this development.

17 The existing Macadam Drive that will be potentially used for the additional parking lot must be removed, and the access closed. The site plan must note such.

18 The Village fire inspector, the Rockland County Office of Fire and Emergency Services, or the Spring Valley Fire Department must review the site plan to ensure that adequate circulation is provided in the event an emergency arises. This review should include whether the access can accommodate fire equipment, and whether there is adequate water pressure/volume for firefighting development.

19 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

20 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

21 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.

22 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

23 A landscaping plan shall be provided which has low evergreen landscaping supplementing the area along all County highways to block the headlights of parked cars from shining into the roadways.

24 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 Standards for Urban Erosion and Sediment Control.

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

26 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

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

28 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 initially raised in the Executive Deputy Secretary of State's letter of July 15, 2016, and subsequently again in December 18, 2017, the proposed addition must be held to the requisite minimum standards and comply with all requirements of this code.

29 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.

30 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley  
New York State Thruway Authority  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Department of State  
Spring Valley Fire District  
  
Anthony R. Celentano P.L.S.  
Village of Spring Valley 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.*

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*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.*

