



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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

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

December 26, 2019

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

**Tax Data:** 57.39-1-48

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

**Map Date:** 7/30/2019

**Date Review Received:** 11/27/2019

**Item:** 1 NORTH MADISON AVENUE (SV-861B)

Variances to permit the installation of an autostacker parking lift platform at the site of a proposed three-story office building located on 0.249 acres in the GB zoning district. The variances required include front yard, side yard, and rear yard. A variance for an eight-foot high screening fence is also required.

Northwest corner of Commerce Street and North Madison Avenue

### Reason for Referral:

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 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. The applicant is proposing to install an autostacker parking lift to accommodate the parking needs of an oversized building. There will be no front yard or rear yard when 30 feet is required, and no side yard when 15 feet is required. Even if these yard variances are approved, the parking requirement will be 20% deficient. Variances for lot width, floor area ratio, and parking have been previously granted. The ability of the existing infrastructure to accommodate an oversized building 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. The number of stories and size of the building must be decreased so that the parking requirement is reduced, as well as the magnitude of the other requested yard variances.

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2 The use of mechanically stacked parking must only be allowed in conjunction with a full-time, valet parking service. The autostacker system is not a self-service system. Trained attendants must be on-site during all work hours to use the equipment and to ensure that vehicles are properly and safely stored. Since vehicles that are stored on lifts cannot be retrieved with another vehicle parked under them, attendants must be available at all times to maneuver vehicles around the site.

The applicant must be required to provide a narrative of the hours and staffing levels of a valet service, as well as physical accommodations for valet staff. Valet service must be provided for all hours of the building's operations. Until this information is provided and incorporated into an approval, the application is incomplete and must be disapproved.

3 In addition to the previous comment, the parking layout is inadequate. A turnaround area must be provided for parking spaces 10 and 28. Spaces 1, 18 and 19 are located too close to the roadway. Vehicles backing out of these spaces will conflict with vehicles entering the site. Lastly, the garbage enclosure is blocked by parking space 11. The size of the building must be reduced so that adequate parking can be provided.

The following comments address our additional concerns about the proposal.

4 A New York State licensed engineer shall certify that the installation of the parking lifts has been done in accordance with the manufacturer's specifications. In addition, a New York State licensed engineer shall perform periodic inspections of all equipment and maintain records of inspection results.

5 The snow removal area is located behind the garbage area and pedestrian walkway and is inaccessible. An accessible snow storage area shall be delineated on the site plan.

6 It must be clarified when the variances for lot width ( North Madison Avenue), front yard (North Madison Avenue & Commerce Street), side yard, floor area ratio, and parking were granted. The site plan provided with this application, dated July 30, 2019, states these variances were granted, however the last time our department reviewed an application for this parcel, on July 17, 2018, the site plan dated March 15, 2017, stated variances for these bulk standards were still required. The ZBA appeal number must be provided to confirm when the variances were granted.

7 The Application Review Form does not state a variance for the 8 foot high screening fence is required, however, the site plan does. It must be clarified if this variance is required. All application materials must remain consistent. The public hearing notice must be reviewed and, if it contain incomplete or inaccurate information, re-issued.

8 A review must be completed by the New York State Department of Transportation, and any concerns or comments addressed, and any required permits obtained.

9 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of December , 2019.

10 Map Notes 9 & 10 on the map refer to NR#1 WD for the water district and supplier. Page 1 of 12 of the Application Review Form lists United Water as the Water District. The notes and the form must be corrected to be Suez. The public hearing notice must be reviewed and reissued if it contained incorrect information.

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 Villages 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 office building must be held to the requisite minimum standards and comply with all requirements of this code.

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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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley  
New York State Department of State  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Sewer District #1  
  
Anthony R. Celentano P.E.

**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.*