



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 23, 2019

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

Tax Data: 57.39-2-28

57.39-2-27

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

Map Date: 8/10/2019

Date Review Received: 9/24/2019

Item: 23 LAWRENCE STREET (SV-390A)

Site plan for the addition of a second story to the northern portion of an existing office building located on 0.399 acres in the GB zoning district. Variances for front yard (Lawrence Street and North Jackson Street), side yard, floor area ratio, number of parking spaces, and visibility at an intersection will also be required.

Northwest corner of Lawrence Street and North Jackson Street

Reason for Referral:

North Main Street (NYS Route 45), Pascack Brook

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 Lawrence Street and North Jackson Street front yards are deficient by 65% and 94%, respectively. The side yard is deficient by 93%. The floor area ratio exceeds the maximum standard by 82%. Only 87% of the required number of parking spaces is provided. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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. Village officials have previously expressed concern to this department about the increasing traffic congestion along the NYS Route 45 corridor and its impact on emergency services' response time. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and further hampering the response time of emergency vehicles. The Village must consider the cumulative and regional impacts of permitting such development. This application must be denied and the property developed in a manner that is consistent with the Village's requirements.

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2 The proposed structure does not comply with Section 255-22.H of the village zoning regulations, which prohibits impediments to visibility at intersections. This is an unacceptable hazard to motorists and pedestrians. As stated above, the proposal must be denied and the building must be reduced in size and reconfigured to comply with this section of the regulations.

The following comments address our additional concerns about this proposal.

3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

4 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained.

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 New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

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 A recent site visit has indicated the second floor has already been constructed above the northern section of the building. No construction can occur until the proposal has been reviewed and approved by the Village of Spring Valley Planning Board.

9 The Application Form states the use of the building is as an office. However, Note #4 on the site plan states that the building has both office and warehouse uses. Parking calculations are given for both uses as well. If a special permit is required for the warehouse use and has not been obtained, it must be referred back to this office for review, as required by New York State General Municipal Law.

10 The Referral Form and Application Review Form only include tax lot 57.39-2-28 when lot 57.39-2-27 is also a part of the application, as it supplies some of the required parking. These forms must be corrected to include both tax lot numbers. If the public hearing notice was issued with only one lot, it must be reissued with the correct information.

11 A vegetated island is located at the northern end of the parking lot. It will be impossible for a vehicle to access or leave parking spaces #10 and #11, and difficult for vehicles in spaces #9 and #12. The parking provided is already less than permitted by 13%. The island must be removed and noted on the site plan, or the parking reconfigured in a manner that will allow ingress and egress into all spaces.

12 If parking space #11 is to be a handicapped space, it must be labeled as such.

13 The designated snow removal area is proposed in the turnaround area for the parking lot. It is very likely that the snow pile will encroach into the parking spaces, resulting in less usable spaces. Another location must be provided on the site to ensure that adequate parking can be provided.

14 All signs must be shown on the site plan and conform to the Village standards.

15 The Application Form indicates the property receives water service from United Water. The form must be corrected to Suez.

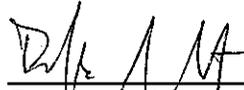
16 The site shall be located in the center of the vicinity map.

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17 the site plan does not contain a north arrow (only the vicinity map does). This feature must be added to the site plan.

18 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.

19 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
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Spring Valley Fire District

Anthony R. Celentano P.E.

Yossi Walter

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.

