Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
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January 16, 2019

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

Tax Data: 57.54-1-2 57.54-1-1.3 57.54-1-1.2
57.54-1-1.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/4/2018 **Date Review Received:** 11/21/2018

Item: ***9-15 RIDGE AVENUE (SV-726D)***

A special permit application to construct a 24-unit multifamily dwelling on 1.28 acres in the R-3 zoning district. The property is partially located within the FEMA floodplain. Variances are required for front yard, number of stories, floor area ratio, units per acre, and parking in the front yard. This is a re-approval of the application, as the initial review was not submitted to the Rockland County Department of Planning, as required under New York State General Municipal Law, Section 239L.

The western side of Ridge Avenue, approximately 300 feet south of NYS Route 59.

Reason for Referral:

NYS Route 59

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 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 front yard is deficient by 33%. The building height exceeds the maximum standard by one story. The FAR exceeds the maximum standard by 16%. 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. The Village must consider the cumulative and regional impacts of permitting such development.

2 The property is partially located in the FEMA floodplain. The extent of the floodplain must be indicated on the site plan.

9-15 RIDGE AVENUE (SV-726D)

3 The engineer of record shall certify to the floodplain administrator for the Village of Spring Valley that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

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 September 10, 2018. An updated review of the current site plan revision must be made by them, as well.

6 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of October 24, 2018. An updated review of the current site plan revision must be made by them, as well.

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 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

9 The structures along the southern façade of the building appear to be decks. The site plan must identify them as such. Section 255.22.C of the village zoning regulations exempts open porches and decks from yard and coverage requirements. The village must confirm that the proposed decks comply with this section and do not include any enclosed spaces.

10 Measurements from the decks to the property line must be provided. If the decks are less than ten feet from the property line, a variance from the New York State Uniform Fire Prevention and Building Code will be required.

11 The proposed retaining wall must be shown on sheet 1. Elevations for the top and bottom of the wall must be provided. Any retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

12 There is minimal space between the retaining wall and the stairways along the southern façade of the building. The site plan must demonstrate that there is adequate room for residents to safely walk in and out of the units, or the site plan must be amended to accommodate them.

13 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

15 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

9-15 RIDGE AVENUE (SV-726D)

16 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.

17 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

19 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.

20 Map note 6 refers to Section 239K. This section no longer exists. The map note must be revised to refer to Section 239 L & M.

21 The snow removal area is blocked by landscaping. Another location that is accessible to the parking lot must be provided.

22 The Village shall be satisfied that the proposal complies with the general standards for special permit uses outlined in Section 255-27, as well as the specific standards for multiple dwellings outlined in Section 255-27.1

23 On October 26, 2018, this department issued a GML review of a variance application for this property based on plans with a revision date of August 14, 2018. Those plans indicated that, in addition to other variances, a height variance was requested. The bulk table in the current plan revision indicates that a height variance is not required. The applicant must clarify if this is an error or if the proposed building will, in fact, comply with maximum height restriction of 40 feet. If it is an error, the bulk table must be amended and the public hearing notice must be reviewed and, if it contains inaccurate information, reissued.

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

25 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.

9-15 RIDGE AVENUE (SV-726D)

26 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
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
New York State Department of Transportation
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
Federal Emergency Management Agency

Anthony R. Celentano P.L.S.

**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.