



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

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

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

October 21, 2019

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

**Tax Data:** 50.79-1-16 850.79-1-16

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 9/24/2019

**Date Review Received:** 9/24/2019

**Item:** *KHAL BAIS SHMIEL (185 North Main Street) (SV-966A)*

Amended site plan for two temporary modular units to house students while an extension to an existing gymnasium is constructed. The site is located on 2.59 acres in the PO zoning district. A variance for floor area ratio has previously been granted.

Eastern side of Orchard Street, southern side of Linden Avenue, western side of North Main Street.

### Reason for Referral:

North Main Street (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:

### ***\*Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 An updated review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and any required permits obtained.
- 3 An updated review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 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.

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5 The distance between the western modular unit and the vegetated island is only 13 feet, restricting access to the northern parking area. This area must be blocked off while the units are on site, as the site distance and aisle width are not sufficient and will cause dangerous traffic circulation issues.

6 The western modular unit is to be located halfway into the macadam parking area, west of the building. In addition, both modular units are proposed to be located within the fire lane. Given the proposed location of the units, a review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 The Village must establish a time limit for use of the modular structure of no more than two years. This temporary use may be renewed by the Planning Board prior to its expiration.

8 The number of spaces in each aisle of parking must be indicated on the site plan, especially given that the proposed western modular unit is to be located over a parking space.

9 The site plan indicates that there are existing classrooms adjacent to the proposed addition in an area that appears to be a courtyard in aerial photographs. The applicant must either clarify how this space came to be enclosed and used as a classroom, or the site plan must be amended.

10 The site plan must include a safe drop-off area for students. In addition, aerial photographs indicate that buses are parked on site. The site plan must include designated parking areas for buses.

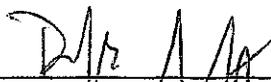
11 The bulk table indicates that variance for floor area ratio was granted. The date of the Zoning Board of Appeals hearing and case number must be provided on the site plan. In addition, our office previously reviewed an application for a floor area ratio of 0.56, while the site plan indicates 0.57. This must be corrected, or a new variance application must be submitted. Should a new variance be required, we request the opportunity to review it, as required by New York State General Municipal Law.

12 The site plan must contain a vicinity map with a north arrow and scale.

13 The site plan shall include map notes that list all appropriate information, including the district details.

14 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.

15 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  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services

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Monsey Fire District  
New York State Department of Transportation  
New York State Department of State  
Anthony R. Celentano P.E.

*\*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.*

