



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 18, 2019

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

Tax Data:

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

Map Date:

Date Review Received: 8/21/2019

Item: *VILLAGE OF SPRING VALLEY - SPECIAL PERMITS FOR FOUR STORY STRUCTURES (SV-982)*

A text amendment to require a special permit for any structure with more than three floors.
Throughout the village

Reason for Referral:

State and County roads, I-287/87, Pascack Brook, Towns of Ramapo and Clarkstown, Villages of New Hempstead, Kaser, and Chestnut Ridge.

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 The proposed text is designated as section 255-27.1. Section 255-27.1 already exists in the Village zoning regulations (Special permits for multiple dwellings). The proposed text must be given a different designation, and the existing section 255-27.1 must not be removed or amended. The removal or amendment of the existing section 255-27.1 cannot occur without a separate application and public hearing notice in which the proposed intent to remove the existing regulations is explicitly stated. Any new application must be forwarded to the Rockland County Planning Department for review.
- 2 The proposed text refers to both floors and stories. Since the Village's regulations have a definition for "story" but not "floor", the proposed text must be amended to refer only to stories, not floors.
- 3 The title of the proposed text refers to "structures above three four floors..." The typo must be corrected and, as previously mentioned, refer to stories, not floors.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Highways

VILLAGE OF SPRING VALLEY - SPECIAL PERMITS FOR FOUR STORY STRUCTURES (SV-982)

Rockland County Drainage Agency
New York State Department of Transportation
New York State Thruway Authority

Village of Kaser Planning Board
Town of Ramapo Planning Board
Town of Clarkstown Planning Board
Village of New Hempstead Planning Board
Village of Chestnut Ridge 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.

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.