



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 19, 2019

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

Tax Data: 56.68-1-2

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

Map Date: 7/17/2019

Date Review Received: 7/30/2019

Item: *VALLEY VIEW GARDENS - 1-11 SECORA ROAD (SV-980)*

A site plan application to construct 78 additional parking spaces, sidewalks, and stormwater infrastructure for an existing multifamily complex on 5.56 acres in the R-4 zoning district.

The southern side of Secora Road, approximately 405 feet west of Kennedy Drive

Reason for Referral:

Town of Ramapo

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 subject tax parcel (56.68-1-2) is one of three separate parcels that comprise a single, integrated residential complex. Parking areas, walkways and recreation facilities appear to be shared without regard to property lines. A parking swap also is proposed between Valley View Gardens #1 and Valley View Gardens #2. While most of the proposed site work is to take place within the subject parcel, access to the proposed southernmost parking area will require work to be performed within parcel 56.68-1-7, as well. The site plan must include all three parcels within the residential complex.

2 The bulk table does not include any information for the proposed changes. Although several of the bulk requirements are not proposed to change, additional parking is proposed on formerly landscaped areas. As a result, the percentage of landscaped area (that is not building or parking) will likely change. The bulk table must be amended to include proposed data. In addition, the property is already non-conforming in that less than 50% of the non-building and parking areas are landscaped, according to the bulk table. If the proposal further reduces this percentage, then a variance will be required. Any variance applications must be forwarded to this department for review, as required by General Municipal Law.

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- 3 The site plan does not indicate the required number of parking spaces for the individual parcel or the overall residential complex. A parking calculation for both the parcel and the entire complex must be provided.
- 4 The signature block on the site plan refers to the Village of Montebello Planning Board. The signature block must be corrected to the Village of Spring Valley Planning Board.
- 5 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is adjacent to the western property line of the parcel. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Spring Valley.
- 6 As per the August 9, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater management system for compliance with the County Mosquito Code.
- 7 A review must be completed by the County of Rockland Sewer District #1 and any required permits obtained.
- 8 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 Standards for Urban Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 11 Pervious pavers should be used in the proposed parking areas to help reduce stormwater runoff.
- 12 The site plan must be amended to include evergreen shrubs, a berm, or a retaining wall to prevent the headlights of vehicles parked in the six proposed spaces at the northeastern portion of the parcel from shining into the neighboring property.
- 13 A landscaping plan shall also be provided which has a replacement plan for the trees removed during construction.
- 14 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.
- 15 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 16 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents.
- 17 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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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
Rockland County Department of Health
New York State Department of State
Rockland County Sewer District #1

Civil Design Works LLC
Town of Ramapo 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.

