



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 31, 2019

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

Tax Data: 50.78-2-45

50.78-2-44

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

Map Date: 7/5/2019

Date Review Received: 10/17/2019

Item: *BRUNO WEST - 53 UNION ROAD (SV-316C)*

A site plan application to construct a four-story office building with parking under the building, which comprises the first floor. The site is located on 1.12 acres in the GB zoning district. Variances are required for front yard, number of stories, building height, floor area ratio, and number of parking spaces. The western side of Union Road, approximately 240 feet south of Jasinski Road

Reason for Referral:

Town of Ramapo, 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 This proposal requires substantial bulk variances and would result in a general overuse of the property. The Village zoning regulations authorize the Zoning Board of Appeals to "vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships..." The subject property is a regularly-shaped parcel with sufficient lot area for all allowed uses in the GB zoning district. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. Any variance application, therefore, does not represent a request for relief from a hardship, but rather is a request to overdevelop the property. Bulk requirements, such as minimum yard size and floor area ratios, serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this proposal be disapproved, and that the property be developed within the requirements of the village zoning regulations.

BRUNO WEST - 53 UNION ROAD (SV-316C)

- 2 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 47%. The height of the structure exceeds the maximum limit by 29% and an additional story. The floor area ratio is 2.76 times greater than permitted. Even though the proposed parking spaces extend to the edge of the side and rear property lines, with no landscaped buffer provided, the number of spaces provided is only 76% of the required minimum. 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. The overall size of the structure must be reduced to comply with the Village's bulk requirements.
- 3 The application review form provided is dated January 17, 2019 and describes a previously proposed project that consisted of a 32-unit multifamily dwelling. Since the current proposal is for an office building, a new form must be submitted so that all materials are consistent. The application review form must be corrected, and re-submitted for review.
- 4 The proposed site plan provides 39 fewer parking spaces than required. This is a significant deficiency and Union Road is a busy road with no capacity to accommodate overflow parking. The building must be reduced in size so that the site can accommodate the required number of parking spaces. The application must be disapproved and the property developed with an adequate number of on-site parking spaces.
- 5 The site plan indicates that parking will be located at grade level underneath the proposed structure. These spaces are shown to occupy the entirety of the building footprint, with the exception of a stairwell in the northwestern corner. The site plan makes no allowance for structural supports, storage or mechanical spaces, or entry doors to the front lobby. This department must conclude that, once these necessary features are incorporated, the proposed parking layout will not be feasible and the deficit of parking spaces will increase. This application must be disapproved and the property developed with an adequate and feasible parking plan, and building size that conforms to the site.

The following comments address our additional concerns about this proposal.

- 6 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 60 feet west of the parcel. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 7 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of August 9, 2019.
- 8 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of July 25, 2019.

BRUNO WEST - 53 UNION ROAD (SV-316C)

- 9 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.
- 10 Parking spaces 1 and 62 are too close to the accessways, creating a conflict between vehicles backing out of them and vehicles entering the site. In addition, parking space 80 is against the structure's walls, which will make maneuvering in and out of difficult. These spaces must be relocated.
- 11 The only access points to the building indicated on the site plan are a stairwell in the basement and an area labelled as containing a lobby, stairs and elevators. The site plan does not indicate where and how pedestrians will access these structures. No walkways, paths or doors to the lobby are shown. The site plan must be amended to demonstrate how pedestrians will safely access the interior of the building, while maintain clear access to all proposed parking spaces.
- 12 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.
- 13 A landscaping plan must be submitted for our review. The plan must include low evergreen shrubs or a berm to block the headlights of parked vehicles from shining into neighboring properties.
- 14 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- 15 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 16 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.
- 17 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.
- 18 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.
- 19 The parcel must be centered within the vicinity map.
- 20 All proposed signage shall be indicated on the site plan and shall conform to the village's sign standards.
- 21 Due to the deficient number of provided parking spaces, the applicant must enter into a long-term, off-site parking arrangement with another nearby property until it can be demonstrated that all parking can be accommodated on-site.

BRUNO WEST - 53 UNION ROAD (SV-316C)

22 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.

23 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.

24 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 State
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.
Town of Ramapo Planning Board

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.