

**DEPARTMENT OF PLANNING**

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

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

February 7, 2020

Spring Valley Zoning Board of Appeals  
200 N. Main Street  
Spring Valley, NY 10977

**Tax Data:** 56.76-1-1

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 9/23/2019

**Date Review Received:** 1/17/2020

**Item:** **SLEEPY HOLLOW GARDENS - 1-95 GARRISON DRIVE (SV-972B)**

A variance application to allow the addition of 48 apartments to an existing 132-unit, 11-building multifamily development on 7.15 acres in the R-4 zoning district for a total of 180 residential units. The additional units are to be located within the existing structures. An additional 41 parking spaces are proposed, for a total of 246 spaces. A variance of section A-4.E(4) of the Village's regulations is requested to allow the creation of living quarters below grade level.

The northern side of Old Nyack Turnpike, opposite Hungry Hollow Road

**Reason for Referral:**

Village of Chestnut Ridge, Town of Ramapo, Hungry Hollow Road (CR 71), Old Nyack Turnpike (CR 52), NYS Thruway (I-87/287)

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 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 2 An updated review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of January 3, 2020.

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4 The Town of Ramapo and the Village of Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the western and southwestern property lines of the parcel. The Chestnut Ridge municipal boundary is along a portion of the southeastern section 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 and the Village of Chestnut Ridge 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 and the Village of Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 The site plan must be amended to indicate the number of existing and proposed units within each building in order to gain a sense of the scale of the project and to assess their location in relation to the associated parking.

6 Floor plans must be provided for the basement apartments. In addition, a site-wide breakdown of units by number of bedrooms must be provided.

7 A total of 30 parking spaces are located on the parcel adjacent to the rear property line. The applicant must demonstrate that they have obtained permission to use the neighboring property for these spaces, or the spaces must be removed and not count towards meeting the parking requirement. If permission has been granted, the plans must show easements for this parking.

8 The proposed additional parking areas are located on a walkway that provides access to Building K. The walkway must be relocated. In addition, the eastern end of the five-space parking area is adjacent to Building K's decks. The applicant must demonstrate that the decks do not encroach upon the parking area and that safe pedestrian access is provided in and around the proposed new parking areas.

9 Turnaround areas must be provided at the eastern end of both of the proposed parking areas. The turnaround areas must not conflict with pedestrian walkways. In addition, the existing parking area with parking spaces 150 - 169 must also have turnaround areas provided, especially since a pedestrian sidewalk is located directly behind parking spaces 154, 159, 164, and 165, and can create conflicts and safety issues between pedestrians and vehicles.

10 Parking requirements of one space per 3/4 units applies only to multifamily rental units in the R-4 zoning district. The applicant must confirm that all units are rental units, and not condominiums or co-ops. In addition, the last note of the zoning classification information on the site plan indicates that the minimum required parking is two spaces per unit. The note must be corrected.

11 The site plan must be amended to indicate that the existing accessway and macadam drive south of Building B is to be removed, and curbs and sidewalks are to be installed.

12 The Village of Spring Valley Fire Inspector, the Rockland County Office of Fire and Emergency Services, or the Spring Valley Fire Department must review the site plan to ensure that adequate circulation is provided in the event an emergency arises. This review should include whether the access can accommodate fire equipment, and whether there is adequate water pressure/volume for firefighting.

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13 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.

14 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

15 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 addition must be held to the requisite minimum standards and comply with all requirements of this code.

16 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.

17 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  
New York State Thruway Authority  
Rockland County Department of Health  
Rockland County Department of Highways  
Rockland County Office of Fire and Emergency Services  
Rockland County Sewer District #1  
Spring Valley Fire District  
  
Anthony R. Celentano P.L.S.  
Town of Ramapo 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.*

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*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.*