Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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August 28, 2020

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

Tax Data: 57.31-1-7 57.31-1-6

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/27/2020 **Date Review Received:** 8/6/2020

Item: ***VALLEY SPRING FAMILY APARTMENTS - 103 NORTH MAIN STREET (SV-696A)***

A special permit application to construct a five-story, 67-unit multifamily structure for low-income and supported housing on 1.01 acres in the GB zoning district and Downtown Urban Renewal Overlay District. A basement-level community facility that fronts onto North Main Street is proposed. One of the two parcels is divided by Madison Avenue. Variances are required for number of units per acre and number of parking spaces.

The southwestern corner of North Main Street and Lawler Boulevard, and spanning the east and west sides of Madison Avenue

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:

Disapprove

The proposed multifamily structure will provide affordable and subsidized housing to low-income residents, in addition to providing daycare and social services within the street-level community center. The County is generally supportive of these efforts to enhance the community's social infrastructure and provide expanded housing opportunities to its residents. While the Rockland County Planning Department is appreciative of the goals and objectives behind the affordable housing proposal, the size, design, density, and degree of non-conformity of the project would create substantial land use impacts if allowed. Although other departments of the County and the Village of Spring Valley have other priorities concerning the provision of affordable housing, this Department's evaluation must be based upon our even-handed application of planning principles to all projects we review. The development should be designed so that it more closely complies with the zoning regulations currently in place so that the provision of affordable housing, a priority for the County's Office of Community Development and the Village of Spring Valley can be achieved. Our specific concerns are articulated in more detail in the following comments.

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1 This proposal requires significant variances for the number of units allowed on a site of this size and the number of parking spaces provided, despite utilizing the substantially less restrictive bulk requirements of the Downtown Urban Renewal Overlay District. 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 multi-family use. There are no unusual conditions or hardships associated with this property for which a variance would be necessary to grant relief. The 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 limits on the number of residential units per acre, serve an important and necessary function, and should not be dismissed without cause or the identification of a legitimate hardship. We recommend that this application be disapproved, the size and number of units be reduced, and that the property be developed within the requirements of the village zoning regulations.

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 number of units exceeds the maximum number allowed on a parcel of this size by 272%. 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 application must be disapproved, and the property developed within its capacity.

3 Village officials have previously expressed concern to this department about the increasing traffic congestion along the Route 45 corridor and its impact on emergency services' response time. In direct contradiction to these concerns, the Village's Zoning Board of Appeals overrides our GML recommendations by granting variances to allow increased residential density. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be generated causing increased congestion on the roadway network, and further hampering the response time of emergency vehicles. Due to the proposed residential density, and the project's proximity to Route 45, the application must be disapproved.

4 This project requires over a 33% variance to reduce the number of parking spaces from 101 to 67. Not only are one-third fewer parking spaces proposed, but the parking layout depicted on the site plan has several deficiencies, which will impair traffic flow through the site and reduce the functional number of spaces. No turnaround area is provided for space 25. Parking spaces 12, 34, and 67 are located in close proximity to the accessway, creating a conflict between vehicles using these spaces and vehicles entering the site. Space 24 is depicted as a parallel-parking space, but there is no accessway from which to back into the space on the site plan SP-1 by Bart M. Rodi. These deficiencies arise from attempting to provide more parking spaces than can be reasonably accommodated on an undersized site. Because of these inadequacies, the application must be disapproved.

The following comments address our additional concerns about this proposal.

5 The proposed structure is 142.5' in length and will extend 64.5' above North Main Street to the roof parapet. Although these dimensions are compliant with the bulk requirements of the Downtown Urban Renewal District, the structure is located on the North Main Street property line, and creates a massive, undifferentiated block along an active highway. Other similarly sized structures along the North Main Street corridor are three to four stories in height, recessed from property lines, and provide architectural features to help break up their facades. The proposed structure will be out of scale with the surrounding neighborhood and will have a negative impact on the North Main Street streetscape. The structure must be redesigned to mitigate these impacts by reducing the number of stories, providing architectural features to break up its façade, and providing recesses from the property line.

6 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

7 A 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.

8 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.

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. A fire truck circulation plan must be provided. Fire lanes and fire connections must be depicted on the site plan and must be unimpeded by parked vehicles in order to maintain emergency access.

10 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.

11 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.

12 There shall be no net increase in the peak rate of discharge from the site at all design points.

13 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.

14 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.

15 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.

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 use of parking spaces meant for the residents for this housing development. This is especially critical since the site is deficient in the provision of parking spaces by over 33%.

17 The pavement marking indicated on the site plan on the western side of parcel 57.31-1-7, as well as the sheet A-002.00 of the architectural plans provided by WQB Architecture PLLC, appear to depict that the parking accessway is proposed to connect to parcel 57.31-1-19 to the south. Clarification must be provided as to whether parking circulation will extend into the neighboring parcel. If this is proposed, then parcel 57.31-1-19 must be completely depicted on the site plan and access easements provided. If not, then the parking area boundary along the southern property line must be delineated, showing the full extent of its design.

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18 Sheet SP-1 of the site plan illustrates one entryway along North Main Street at the northeastern corner of the building. Architectural drawing A-001.00 shows two entrances along Main Street at the middle and southern end of the façade. All materials must be consistent. The applicant must clarify the location of all entrances and the appropriate materials must be corrected.

19 The rendering shown on architectural drawing G-002 does not illustrate the same parking and landscaping configurate as sheet SP-1 of the site plan. In addition, the rendering displays a larger fourth floor terrace than what is depicted on architectural drawing A-004.00. All materials must be consistent. The rendering must be amended to match the site plan and architectural drawings so that it provides an accurate visualization of the project.

20 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.

21 The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

22 The landscaping plan must be amended to include low evergreen shrubs or a berm around the proposed parking areas to shield neighboring properties from vehicle headlights, and must be depicted as a site plan instead of in sections so that it can be better evaluated. Landscaping for planting area 5 must have plant species that are evergreen to help shield the glare of headlights shining into the roadway.

23 The structure is labelled on the site plan as having five stories. However, the bulk table indicates that the proposed structure will have six stories. The site plan must be amended to include the average grade calculations necessary to determine whether or not the basement level meets the Village's definition of a story, and the bulk table or the site plan label must be corrected, as appropriate.

24 The bulk table indicates that 100 parking spaces are required. With 1.5 spaces required per unit, the required number of spaces for 67 units is 100.5, which must be rounded up to 101 spaces. The bulk table must be corrected. The public hearing notice must be corrected so that the extent of the variance is accurately depicted.

25 The site plan must be amended to include a trash receptacle that complies with all yard and setback requirements and does not block, and is not blocked by, parked vehicles.

26 The site plan must be amended to include a pedestrian crosswalk across Madison Avenue for residents using the parking spaces on the western portion of the property.

27 The site plan shall contain map notes, including district information. In addition, the vicinity map provided on sheet SP-1 highlights the incorrect parcels and the roadway names cannot be deciphered. The vicinity map must be amended to highlight the correct parcels and provide legible street labels.

28 The Village shall be satisfied that the proposal complies with the general standards for special permit uses outlined in Section 255-27, as well as the specific standards for multiple dwellings outlined in Section 255-27.1.

29 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.

30 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.

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31 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 Transportation
New York State Department of State
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Bart M. Rodi

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.