# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

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

December 6, 2017

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

**Tax Data:** 50.70-1-74.2

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 7/21/2017 **Date Review Received:** 11/14/2017

**Item:** ***BOGARD - 18 KING TERRACE (SV-583D)***

A variance application to allow the construction of a two-family residence on a 0.23 acre parcel having no street frontage in the R-1A zoning district. Variances are requested for street frontage and rear yard. Approximately 150 feet south of the eastern terminus of King Terrace.

**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:

***Recommend the following modifications**

1 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 315 feet to the north and 315 feet to the southwest. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Village of Spring Valley.

**BOGARD - 18 KING TERRACE (SV-583D)**

5 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 Guidelines for Urban Erosion and Sediment Control.

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

7 The site plan shall contain map notes, including district information.

8 The proposed deck at the southern side of the structure appears to encroach upon the required parking. All required parking spaces must have the minimum required dimensions, without any encroachments.

9 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, decks, must be shown on the map to ensure that there is sufficient access to the building for firefighting purposes.

10 The site plan indicates there is a storm drain opening with a concrete wall within the 25' wide easement for ingress, egress and utilities. The applicant must show how access to the proposed parking spaces will be achieved while maintaining the rights of all parties to the easement agreement, and how the existing drain will be reconfigured or relocated.

11 As this property has no direct access to the roadway, the access easement must be shown in its entirety on the site plan.

12 Aerial photography indicates that vehicles have been parked beyond the rear property line over the course of several years, including images taken as recently as 2016. This property is adjacent to the Pascack Brook and is owned by Rockland County. Parking in County land must cease and the Village must address this concern.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.
Town of Ramapo

**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.*