



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

January 3, 2012

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 57.32-1-6

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

**Map Date** 9/26/2011

**Date Review Received:** 11/30/2011

**Item:** *MEMORIAL PARK HOMES (SV-797) 112B*

Zone change petition to allow .4688 gross acres (.3926 net acres) in an R-2 zoning district to be rezoned as PRD to allow a nine-unit, multi-family housing development on the site.  
East side of Memorial Park Drive, north side of Allison Street

**Reason for Referral:**

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 The subject site is currently zoned R-2, a medium density residential district. The residential uses permitted by right in this zone include one-family detached, one-family semi-attached and two-family detached buildings. The Planned Residential Development Overlay District (PRD) is located 416 feet east of the site. A Flood Plain Overlay District is immediately west of Memorial Park Drive. A Specialized Housing Residential District (RSH) is just south of the parcel. A multi-family development is located on the four-acre RSH parcel. A senior housing complex is southeast of the site. The surrounding neighborhood is characterized by a variety of housing types including one-family, two-family, three-family and multi-family residences. Given this mix of residential densities, this department is not opposed to allowing a multi-family development on this site. However, we do not believe that applying the PRD zoning designation to one parcel is appropriate. Rather than allowing spot zoning, the Village must undertake a comprehensive analysis of the surrounding land uses to determine if the PRD overlay zone should be extended to include additional parcels.

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

**MEMORIAL PARK HOMES (SV-797)**

3 All development must be kept out of the 100-year floodplain. Currently, two proposed units are within the 100-year floodplain.

4 The multi-family housing, as proposed, will result in an overutilization of this site as evidenced by the number and extent of the variances required. Given the proximity of the site to the Pascack Brook and its location within the 100-year floodplain, such overdevelopment is inadvisable.

If the zone change is granted, this proposal must be scaled back to comply with the PRD bulk standards. The development must contain no more than seven units. The square footage of the individual units must be reduced to meet the floor area ratio standard. In achieving these bulk standards, the yard variances can be reduced or eliminated. Additional recreational space with amenities including playground equipment and seating can be provided. All parking, stormwater management systems and refuse containers must be located within the property lines of the site.



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Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Mayor Noramie Jasmin, Spring Valley  
Rockland County Drainage Agency  
Anthony R. Celentano

Faige Gross

*\*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.*