



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 Planning 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-797A) 792 C*

Site plan for a nine-unit multi-family development on .4688 gross acres (.3926 net acres) in an R-2 zoning district. The applicant is seeking a zone change to PRD to allow this use.
East side of Memorial Park Drive, north side of Allison Street and west side of Lake 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 applicant is seeking a zone change to PRD zoning to allow the proposed nine-unit, multi-family development. Multiple variances from the PRD bulk standards are required including lot area, lot width, front yard, side yard, rear yard, floor area ratio, open space and units per acre. An "additional parking" area is not contained on the parcel. It is shown on the unimproved section of Allison Street and encroaching onto Lot 52.32-1-47. The multi-family housing, as proposed, will result in an overutilization of this site. 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 also be provided. All parking, stormwater management systems and refuse containers must be located within the property lines of the site.

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

3 The site plan project narrative indicates that each dwelling will include a two-car garage. The site plan drawings must clearly indicate that two-car, indoor garages are proposed. They are currently labeled as "indoor car garage" on Sheets 1 and 2.

The narrative also states that an additional 18 parking spaces are proposed adjacent to the residences. As noted above, these 18 parking spaces are not located within the property lines of the subject site. Further explanation must be provided as to why these additional parking spaces are proposed and why they are within the unimproved section of Allison Street and encroaching beyond the property lines of the parcel to the south.

4 If parking is proposed within the unimproved section of Allison Street, the Village must abandon the roadway and the applicant must purchase the land area or obtain easements over this parcel.

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

6 The applicant must comply with the County of Rockland Department of Health's letter of December 6, 2011.

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

8 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.

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

10 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.

11 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

12 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.

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13 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.

14 Sheet 2 entitled "Site Plan for Memorial Park Homes" shows two detention areas located beyond the property line of the subject site. All stormwater management systems must be contained on-site.

15 A proposed dumpster location is indicated on Sheets 1 and 2. The dumpster is shown on Lot 57.32-1-47. All site improvements related to this proposal must be contained on Lot 57.32-1-6.

16 The bulk table is confusing as currently presented. It contains a row labeled "Zone R-2" which includes the provided measurements for the multi-family proposal. Since the R-2 bulk standards do not apply to this proposal and are not actually listed, this label should be eliminated. The title row of the bulk table should reference the PRD zone.

17 A landscaping and lighting plan shall be submitted for our review.

18 The application form indicates that the map date is December 15, 2010. The last revision date is September 26, 2011. All application materials must be consistent.



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

cc: Mayor Noramie Jasmin, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
A.R. Celentano, P.E.

Lesser 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.*

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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.