# COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

January 3, 2012

Spring Valley Zoning Board of Appeals
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-~~797B~~)*** 772D

Variances for lot area, lot width, front yard, side yard, rear yard, total side yard, floor area ratio and units per acre to allow the construction, maintenance and use of 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 of Allison Street and west 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:

***Disapprove**

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.

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

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

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

Lesser Gross

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.*