COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING
Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax: (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE MILLER
Deputy Commissioner

March 10, 2008

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 N

Map Date: 4/18/2007 **Date Review Received:** 2/14/2008

Item: ***MEMORIAL PARK HOMES (SV-772)***

Seven-lot subdivision of .4689 acres in an R-2 zoning district. Six semi-attached, townhouse residences are proposed. A seventh lot will serve as a common area for recreation, drainage, etc.
East side of Memorial Park Drive, north side of Allison Street, 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:

***Disapprove**

The Village of Spring Valley's R-2 zoning district is a medium-density residential district. Detached, single-family residences are permitted on 8,500 SF lots; detached, two-family residences are permitted on 10,000 SF lots; semi-attached, single-family residences are permitted on 7,000 SF lots. Therefore, the maximum allowable density ranges from 5 units per acre to almost 9 units per acre.

The proposed seven-lot subdivision creates six significantly undersized lots. The lot area variances required for proposed Lots 1 through 6 are all over 83 percent. The proposed residential density is close to 13 units per acre. A row of four residential buildings is proposed on Lots 1 through 4. This is not a permitted use in the R-2 zoning district. Under current zoning, this parcel could yield two conforming lots. A two-family detached dwelling could be constructed on each parcel for a residential density of 8.5 units per acre.

This department is not in favor of new construction that does not conform to the bulk requirements of the zone in which it is proposed. A seven-lot subdivision should not result in six non-conforming lots. The proposal before us is a gross overutilization of the site as evidenced by the number and magnitude of the variances required. It must be scaled back considerably so that the R-2 zoning

district standards are achieved.

Salvatore Corallo
Commissioner of Planning

cc: Mayor George Darden, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Atzl, Scatassa & Zigler P.C.

Faige 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.