

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

January 15, 2025

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

**Tax Data:** 57.46-1-42

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

**Map Date:** 11/25/2024

**Date Review Received:** 12/16/2024

**Item:** *13 Myrtle LLC - 13 South Myrtle Avenue (GML-24-0368)*

A variance application to allow the construction of a three-story office building on an approximately 0.24 acre lot in the POR (Professional Office-Residential) Zoning District. The existing two-family residence will be demolished. Variances are requested for lot width, side yard, rear yard, total side yard, floor area ratio, and number of parking spaces.

West side of South Myrtle Avenue, approximately 150 feet north of West Central Avenue.

**Reason for Referral:**

State Route 59

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 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is requesting a variance to allow a floor area ratio (FAR) of 0.94, which is more than triple the maximum allowed FAR of 0.30 for professional office buildings in the POR Zoning District. Based on the Town of Ramapo's tax records, all of the existing structures on this block are between 1,500 to 3,500 square feet of living area and the existing single-family residence on the subject property has a living area of 1,730 square feet. The majority of the properties in this neighborhood are for residential use. The proposed office building has a gross floor area of 9,872 square feet, which means that it will be roughly three to six times larger than all of the existing structures on the street. Approval of an oversized structure, along with the required parking area, will result in greater building mass and less green space in this still-residential area. The Zoning Board of Appeals (ZBA) must consider the cumulative and regional impacts of permitting bulk variances of this magnitude.

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We recommend that the building be reduced in scale to better comply with the requirements of the POR Zoning District.

- 2 The applicant has requested to reduce the minimum parking requirement from 40 spaces to 16 spaces, but no reason or evidence has been provided to justify why this development requires less than half the number of spaces that the Village Zoning Code mandates for professional office buildings in the POR zoning district. Inadequate on-site parking can impede the safe and efficient flow of traffic and result in overflow parking on local roads, the impacts of which may extend to the nearby state highway. Again, we recommend that the building be reduced in scale so that adequate on-site parking can be provided.
- 3 The proposed site layout is ill-suited to pedestrian access. The building is placed at the rear of the lot and pedestrians on the sidewalk must access the site using the same driveway as entering and exiting vehicles, increasing the chance of collision. The site plan must be amended to provide pedestrian access to the structure.
- 4 The backup area for parking spaces 8 and 16 is located immediately in front of the main entrance to the structure. This will create an unacceptable conflict between vehicles backing out of these spaces and pedestrians exiting the building. The parking area must be reconfigured to provide adequate space to separate areas of pedestrian activity and vehicle aisles.
- 5 The site plan indicates that support pillars for the second and third floor overhang will block the access aisle for the ADA accessible space. They will also be directly adjacent to parking space number 8 and will likely require protective bollards to prevent damage from collisions, which will encroach upon the space. The site plan must be amended to comply with all federal and state ADA parking requirements and all required spaces must be free from obstacles and encroachments.
- 6 The Village should also consider amending the site layout so that the building is accessible from the street and the parking is located at the rear of the site. Section 255-22J of the Village Zoning Code states that the front alignment of new buildings should "conform as nearly as practicable with those existing on the adjacent lots". The proposed 75.5-foot front setback is inconsistent with surrounding neighborhood, would disrupt the existing streetscape, and would discourage pedestrian access to the site. Amending the site plan to provide parking at the rear of the site would improve pedestrian access and provide a more inviting streetscape, and should be considered.
- 7 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.
- 8 The applicant must comply with all conditions made by the Rockland County Sewer District No. 1 in their letter dated December 19, 2024.
- 9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Spring Valley fire inspector, or the Spring Valley Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.
- 10 Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 11 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and

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the stated reasons for the land use board's override.

- 12 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote under the GML process:
- 12.1 The proposed building height must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
- 12.2 Questions A.1 through A.7 on Pages 10 and 11 of the Application Review Form concern area variances. None of these questions have been answered on the form, thus it is incomplete. These questions must be answered to the best of the applicant's ability.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley  
NYS Department of Transportation  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County OFES  
Rockland County Planning Board  
Rockland County Sewer District No. 1  
Spring Valley Fire District  
Anthony R. Celentano P.E.  
Hartman Design  
Construction Expediting

\*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.