

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

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January 07, 2025

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

Tax Data: 49.68-2-23

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

Map Date: 08/30/2024

Date Review Received: 12/10/2024

Item: *1 Fox Lane (GML-24-0357)*

A variance application to allow a two-lot subdivision of a 0.36-acre lot in the R-1A zoning district and the construction of a two-family dwelling on each new lot. The existing single-family residence will be removed. Variances are requested for lot area, lot width, side yard, rear yard, and total side yard for both lots.

The south side of Fox Lane, approximately 100 feet west of Dr. Frank Road.

Reason for Referral:

Town of Ramapo

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 proposing to increase the number of dwelling units on the subject property from one to four and to split a conforming lot into two undersized lots. The proposed lots would have 96% and 87% of the required lot area and 52% and 55% of the required lot width. In addition, side, total side, and rear yard variances are necessary to accommodate oversized residential buildings on undersized lots. The surrounding neighborhood consists largely of one or two family residences on similar sized parcels to the subject property. The density proposed by this project is greater than what the zoning regulations envision for the neighborhood and could encourage nearby property owners to seek similar increases in density. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer

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system, stormwater management systems and the public water supply will be overburdened. The Zoning Board of Appeals must consider the cumulative and regional impacts of approving the requested variances. We recommend that the proposed buildings be reduced in size to better conform to the Village's bulk requirements.

- 2 The proposed parking layouts are inadequate. For both lots, spaces 3 and 4 are in a tandem configuration. The use of tandem parking spaces creates an inconvenient and difficult parking situation preventing egress for one vehicle blocked by another. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. In addition, no turnaround area is provided for these four spaces, forcing vehicles to back into the roadway. Lastly, the backup aisle for spaces 1 and 2 on both lots is approximately 18 feet, which is not an adequate distance. The parking areas must be reconfigured to provide independent access, turnaround areas, and adequate backup aisles for all spaces. In addition, the site plan must be amended to provide cross access easements for the shared driveway space that will be used as backup aisles for spaces 1 and 2.
- 3 The site plan, application review form, project narrative, and GML review form all indicate that the subject property is located in the R-1 zoning district. However, the draft zoning map available on the Village's website, which has a revision date of December 2019, indicates that the property is located in the R-1A zoning district. In addition, the surrounding area was designated as the R-1A zoning district by Local Law No. 11 in 2010. The application materials, project narrative, and site plan must be corrected to show the correct zoning district. The public hearing notice must be reviewed and, if it contains inaccurate information, re-issued.
- 4 The submitted Application Review Form has several incomplete sections, requests area variances that are inconsistent with other application materials, and the commission of the notary that affirmed the applicant's signature expired on December 19, 2020. The application form must be updated to match the other materials, provide a current notarization, and it should be completed in its entirety.
- 5 The site plan indicates that there is a property overlap along the southwestern property line. The applicant must clarify the meaning of this designation. Any discrepancies regarding parcel boundaries must be resolved prior to approval. Changes to the property lines of the parcel may impact the extent of required yard, floor area ratio, and lot area variances. If any additional variances are required, a revised application must be made and submitted to this department for review, as required by General Municipal Law.
- 6 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 310 feet southeast of the site. The Town of Ramapo must be given the opportunity to review the requested variances and provide any concerns regarding intercommunity and Countywide considerations related to the project to the Village of Spring Valley.
- 7 The applicant must comply with the conditions of the Rockland County Department of Health's letter of December 24, 2024.
- 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 Section 255.22.C of the Village zoning regulations exempts open porches and decks from yard and coverage requirements. The Village must confirm that the proposed rear and side decks comply with this section and do not include any enclosed spaces.
- 10 All proposed building entrances, exterior stairways, decks, window wells, and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements. Parking maneuverability shall not be affected by the location of these features.
- 11 The site plan indicates that the proposed structures will each have three stories and an FAR of 0.65, which is the maximum permitted for this use in the R-1A district. However, the site plan shows a building footprint

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of approximately 3,040 square feet for Lot 1 and 2,705 square feet for Lot 2. If each story will have a floor area equal to the footprint, the proposed structures on Lots 1 and 2 will have a gross floor area of roughly 9,120 square feet and 8,115 square feet, respectively. This would result in an FAR of 1.12 for Lot 1 and an FAR of 1.09 for Lot 2. Although these are estimates, these FARs would be 72% and 68% greater than the allowed maximum FAR of 0.65. The magnitude of this discrepancy requires further attention. The applicant must demonstrate that the proposed structures will conform to the Village's FAR requirement by providing FAR calculations. These calculations must include a floor-by-floor tally of gross floor area and, if applicable, a statement that the basement is exempt from FAR requirements due to its height. If either FAR exceeds the allowable 0.65, then the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

- 12 The Designated Street Line (DSL) must be indicated on the site plan. Any appropriate lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to this department for review, as required by New York State General Municipal Law, Section 239-m (3)(a) (v). In addition, no parking may be located outside of the DSL.
- 13 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.
- 14 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 the stated reasons for the land use board's override.
- 15 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:
 - 15.1 A denial letter from the building department was not included with the variance application as is typically provided. If the building department's review of the application results in the need for additional or modified variances then those changes must be submitted to this department for review, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
 - 15.2 The subject site should be centered on the vicinity map with zoning districts and the municipal boundaries labeled.
 - 15.3 The proposed building heights must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
 - 15.4 Map Note #6 should reference Section 239 L, M, & N as the proposed project involves variance and subdivision applications.
 - 15.5 The Rockland County Planning Department previously issued a GML review for a variance application to allow a two-lot subdivision and the construction of a two-family dwelling on November 18, 2020. We have not received any meeting minutes from the Spring Valley Zoning Board of Appeals regarding any actions or overrides. As required under Section 239-m 6 of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency. A referring body which 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.

15.6 The application review form indicates that water is provided by United Water. This should be corrected to Veolia North America.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Office of Buildings and Codes
Rockland County Planning Board
Rockland County Sewer District No. 1
Town of Ramapo Planning Board
Anthony R. Celentano P.E.
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.