

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

May 23, 2025

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

Tax Data: 57.38-1-74

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

Map Date: 03/16/2025

Date Review Received: 04/30/2025

Item: *18 Collins Avenue (GML-25-0238)*

A variance application to permit the construction of a two-family dwelling on 0.13 acres in the R-2 zoning district. Variances are requested for lot area, lot width, side yard, rear yard, total side yard, and street frontage.

East side of Collins Avenue, approximately 105 feet north of West Church Street.

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:

Disapprove

- 1 The subject site does not meet the minimum lot area standard of 8,500 square feet required for the existing single-family residence. The applicant is proposing to construct a two-family residence with only 57% of the minimum required lot area and 62% of the lot width available. Additional yard variances are necessary to accommodate an oversized residential building on an undersized parcel. The side and total side yards are both deficient by 33%. The rear yard and street frontage are deficient by 25% and 29%, respectively. Granting these bulk variances will continue the trend that has encouraged nearby property owners to seek the same relief. Oversized structures on undersized parcels have resulted in a neighborhood characterized by greater building mass and less green space. A doubling of the residential density on nonconforming parcels in this neighborhood has negatively impacted its community character. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. The variances must be disapproved, and the two-family dwelling disallowed.

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- 2 Permitting development that does not comply with the applicable bulk standards is setting an undesirable land use precedent and resulting in the overutilization of individual sites. As previously indicated, the applicant requests six variances to permit a two-family structure, most of which significantly deviate from the Village of Spring Valley's Zoning Code requirements. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. Such development is resulting in local roads becoming more congested, the sewer system and stormwater management system overburdened, and the public water supply taxed. The Zoning Board of Appeals (ZBA) must consider the cumulative and regional impacts of approving variances. As previously noted, the requested variances must be denied, and the two-family dwelling disallowed.

The following comments address our additional concerns about this proposal.

- 3 As per the May 19, 2025 letter from the Rockland County Department of Health, detailed engineering plans must be provided to them so that it can be determined if additional approvals are required.
- 4 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of May 6, 2025.
- 5 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 450 feet west 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.
- 6 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. The tandem parking spaces should be reconfigured to allow independent access for all parking spaces
- 7 The site plan indicates that the proposed structure will have three stories and an FAR of 0.65, which is the maximum permitted for this use in the R-2 district. However, the site plan shows a building footprint of approximately 2,250 square feet. If each story will have a floor area equal to the footprint, the proposed structure will have a gross floor area of roughly 6,750 square feet. This would result in an FAR of 1.17. Although this is an estimate, an FAR of 1.17 is 80% greater than the allowed maximum FAR of 0.65. A two-story structure would yield an FAR of 0.78, which also exceeds the maximum limit. The magnitude of this discrepancy requires further attention. The applicant must demonstrate that the proposed structure will conform to the Village's FAR requirement; an FAR calculation must be provided on the site plan. This calculation 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 the FAR exceeds the allowable 0.65, 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.
- 8 All building entrances and walkways must be illustrated on the site plan demonstrating that they will not impact yard requirements or parking maneuverability.
- 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 decks comply with this section and do not include any enclosed spaces.
- 10 The Designated Street Line (DSL) must be indicated on the site plan. Any 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).
- 11 Pursuant to General Municipal Law (GML) Section 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 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.

- 12 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner 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.
- 13 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:
 - 13.1 The map notes must include district information, lot area, zoning designation, owner, and existing and proposed use.
 - 13.2 The proposed building height and number of stories proposed must be indicated on the bulk table, rather than "< 35'" and "< 3 stories'," respectively. The bulk table shall not include estimations.



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 and Consultants

*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.