

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

May 01, 2025

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

Tax Data: 49.60-1-49

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

Map Date: 03/27/2025

Date Review Received: 04/01/2025

Item: *8 Buckman Place (GML-25-0185)*

A variance application to permit the construction of an addition and the conversion of a single-family home into a two-family dwelling on 0.25 acres in the R-1A zoning district. Variances are requested for side yard and total side yard.

Northern side of Buckman Place, approximately 270 feet east of Jill Lane

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 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Code) of the Rockland County Sanitary Code.
- 2 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of April 9, 2025.
- 3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 290 feet north 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.
- 4 According to the denial letter from the Village of Spring Valley building department dated March 19, 2025, the calculated floor area ratio (FAR), based off a three-story structure, is higher than permitted in the R-1A zoning district. The applicant must demonstrate that the proposed structure will conform to the Village's

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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.

- 5 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). In addition, no required parking may be located between the property line and the DSL.
- 6 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 deck complies with this section and does not include any enclosed spaces.
- 7 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.
- 8 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.
- 9 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:
 - 9.1 The subject site shall be centered on the vicinity map with zoning districts and the municipal boundary labeled.
 - 9.2 The proposed building height must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
 - 9.3 The site plan is overlain with existing elements, making it difficult to decipher. Separate drawings for existing and proposed conditions should be provided.



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

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*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.