

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
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May 05, 2025

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

Tax Data: 50.69-1-14

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

Map Date: 02/10/2025

Date Review Received: 04/01/2025

Item: *Reisz - 11 Dorset Road (GML-25-0187)*

A variance application to permit the construction of a two-family residence on a 0.23 gross acre (0.21 net acre) lot in the R-1A Zoning District. The existing single-family residence will be demolished. A variance is requested for maximum floor area ratio (FAR). Variances have been previously granted for front yard, side yard, total side yard, and FAR.

North side of Dorset Road, approximately 370 feet northwest of its intersection with Morris Road.

Reason for Referral:

Pascack Brook, 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

This department issued a GML review for a variance application to allow a two-family dwelling on February 11, 2022, in which we recommended modifications due primarily to the excessive size of the proposed structure and the quantity and scale of the variances requested. Despite these recommendations, the current application notes that those variances were all granted by the Spring Valley Zoning Board of Appeals. However, the Rockland County Department of Planning has not received the minutes of the meeting stating the actions or overrides taken by the Zoning Board of Appeals, as are required to be provided under Section 239-m.6 of the State General Municipal Law. The current application now seeks additional relief beyond the extensive variances already granted in order to allow for an increased floor area ratio (FAR). Our previous review specifically noted that the proposed FAR appeared to be significantly understated compared to the structure shown on the site plan and recommended that the variance application be revised and resubmitted in order to avoid the need for subsequent variances. This department maintains that the proposed structure far exceeds the bulk regulations of the R-1A

zoning district and that the requested variance would result in overdevelopment of the property.

- 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. Despite having already received substantial bulk variances, the current proposal seeks to exceed the FAR standard of 0.65 by 80%. The ability of the existing infrastructure to accommodate oversized residential structures is a countywide concern and must be evaluated. This evaluation must consider whether the sewer system, stormwater management systems, and the public water supply will be overburdened. The Zoning Board of Appeals (ZBA) must consider the cumulative and regional impacts of permitting such development before granting variances. No further relief from the Village's zoning requirements should be granted and the application should be disapproved.

The following comments address our additional concerns with this proposal:

- 2 There are two separate parking areas proposed on the site plan drawing, requiring an additional driveway on Dorset Road. Introducing a second curb cut along the right-of-way will increase the potential number of vehicles that can turn into and out of the site simultaneously, creating more unpredictability along the roadway and making it less safe for drivers and pedestrians. The inability for the applicant to fit one contiguous parking area with the minimum required number of parking spaces is further indication that the site is being overutilized. The proposed structure must be reduced in size in order to better comply with the requirements of the R-1A Zoning District.
- 3 It will be difficult for a vehicle parking in any of the provided spaces to maneuver without sufficient turnaround area. Adequate turnaround space should be provided to prevent the need to back into the public roadway. The need for a turnaround was also noted in the Building Department's denial letter. In addition, parking spaces 2 and 4 are both located directly adjacent to exterior stairways. This creates a safety hazard for any pedestrian entering or exiting the building via those stairways. building entrances and stairways must be located where they will not be in conflict with vehicles entering or exiting the property.
- 4 The site plan shows proposed parking spaces, stairs, a portion of the front porch, and an existing shed all encroaching into the drainage easement on the west side of the property. No permanent structures or required parking should be permitted within the easement in the event that excavation of this area is required.
- 5 According to the Hudson River Natural Resources Mapper (<https://gisservices.dec.ny.gov/gis/hvnm/>), the entire site is in the riparian buffer of an unnamed stream, a tributary of the Pascack Brook, that once traversed the area but is now buried. The loss of stream networks such as this in Rockland County has exacerbated both flooding and water quality concerns. The Village must take into account the potential flooding that will be exacerbated by the additional impervious surfaces and continued overdevelopment of such sites. Additionally, according to the National Wetlands Inventory (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>), there are Federal wetlands on the subject property in the same area as the unnamed stream. A review must be completed by the United States Army Corps of Engineers and all required permits obtained. Any Federal wetlands must be delineated on the site plan drawing.
- 6 One of the reasons this project was referred to County Planning is due to its proximity to the Pascack Brook. The Pascack Brook and its tributaries have historically been impaired for fishing and secondary contact recreation due to urban runoff (unknown biological impacts). Currently there is no data available to conduct an assessment for this waterbody segment (<https://extapps.dec.ny.gov/data/WQP/PWL/1501-0015.html>). Nevertheless, the review of development applications within the Pascack watershed, particularly those that exceed development standards, must consider the potential adverse impacts to the Pascack Brook. Development within the Pascack Brook watershed should not result in any further impairment to the Brook and/or its tributaries.

- 7 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is 180 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.
- 8 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.
- 9 The applicant must comply with all conditions made by the Rockland County Sewer District No. 1 in their letter dated April 10, 2025.
- 10 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.
- 11 The Designated Street Line (DSL) must be indicated on the site plan. The front yard measurement shall be to the DSL. The appropriate lot area deductions must also be indicated. If any additional variances are required, a revised application must be submitted and forwarded to this department for review. In addition, no required parking can be located between the DSL and the street.
- 12 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.
- 13 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.
- 14 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:
 - 14.1 The proposed building height must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
 - 14.2 The municipal boundary must be labeled on the vicinity map and zoning district information provided.
 - 14.3 The GML Referral Form incorrectly identifies the property as being in the R-2 Zone District. Per the information available to the Rockland County GIS Department, as well as the site plan and other documents included in the application, the property is in the R-1A Zone District. The Referral Form must be corrected. If any incorrect zoning information is included on the notice of public hearing, then it should be revised and reissued.
 - 14.4 One Pages 1 and 3 of the Application Review Form, the water district is incorrectly identified as United Water. This must be corrected to Veolia North America.
 - 14.5 Section A on Pages 10 and 11 of the Application Review Form concerns 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
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.