

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Commissioner

Richard M. Schiafo
Deputy Commissioner

February 09, 2026

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

Tax Data: 50.69-2-38

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

Map Date: 10/23/2025

Date Review Received: 01/12/2026

Item: *79 Francis Place (GML-26-0030)*

A variance application to allow the construction of a two-family dwelling on a 7,500 SF lot in the R-1A zoning district. The existing single-family dwelling will be demolished. Variances are requested for lot area, lot width, front yard, side yard, total side yard, and rear yard.

North side of Francis Place, approximately 160 feet east of its intersection with Zeissner Lane

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:

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 construct a two-family residence with only 88% of the minimum lot area and 94% of the minimum lot width required. Additional yard variances are necessary to accommodate an oversized residential building on an undersized parcel. The front yard is 8% less than the required minimum, while the side and total side yards are both 33% deficient, and the rear yard is 25% deficient. The surrounding neighborhood consists of similarly sized parcels. Granting these bulk variances will encourage nearby property owners to seek the same relief. Bulk requirements serve an important and necessary function to limit the scale of development and preserve space, and should not be dismissed without cause or the identification of a legitimate hardship. The Zoning Board of Appeals (ZBA) must consider the cumulative and regional impacts of permitting such development before granting variances. It is recommended that the building be reduced in scale to better comply with the requirements of the R-1A zoning district.

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- 2 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-1A district. However, the site plan shows a building footprint of approximately 3,300 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 9,900 square feet. This would result in an FAR of 1.32. Although this is an estimate, an FAR of 1.32 is more than double the allowed maximum FAR of 0.65. This issue was also noted in the denial letter issued by the Village Zoning Administrator. The magnitude of this discrepancy requires further attention. The applicant must demonstrate that the proposed structure will conform to the Village's FAR requirement by providing an FAR calculation. It 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.
- 3 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.
- 4 A review must be completed by the Rockland County Sewer District No. 1, any comments or concerns addressed, and any required permits obtained.
- 5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 160 feet south 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 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.
- 7 The site plan must be amended to depict the curb cuts required for the proposed parking layout. In addition, the Village should consider requiring that parking access for the site be provided through a single curb cut. Allowing multiple curb cuts increases the number of potential conflict points between vehicles and pedestrians. The current plan creates four points where vehicles will back out over a pedestrian walkway into the street, and should be reconfigured.
- 8 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 does not include any enclosed spaces.
- 9 The lot coverage for this development is significant. Despite not having a development coverage requirement, the Village should consider the impact of the excessive amount of impervious surface on this site which can lead to increased stormwater management issues and flooding during intense storms.
- 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 the stated reasons for the land use board's override.

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- 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 Questions A.1 through A.7 on Page 6 of the application 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.
- 12.2 The site plan incorrectly identifies the water provider as Suez. It should be changed to Veolia North America.



Douglas J. Schuetz
Commissioner of Planning

cc: Mayor Schenley Vital, 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.