

**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**  
*Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

February 10, 2026

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

**Tax Data:** 57.63-1-36

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

**Map Date:** 11/25/2025

**Date Review Received:** 01/12/2026

**Item:** *28 John Street (GML-26-0029)*

A variance application to allow the construction of a two-family dwelling on a 9,000 SF lot in the R-2 zoning district. The existing single-family dwelling will be demolished. Variances are requested for lot area, lot width, side yard, total side yard, street frontage, and Floor Area Ratio (FAR).  
East side of John Street, approximately 250 feet south of East Castle Avenue

**Reason for Referral:**

S Main St (State Route 45)

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 90% of the minimum lot area and 60% of the minimum lot width required. Additional variances are necessary to accommodate an oversized residential building on an undersized parcel. Both the side and total side yards are 33% deficient and the floor area ratio exceeds the maximum standard by 15%. 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 size to better comply with the requirements of the R-2 zoning district.

**28 John Street (GML-26-0029)**

- 2 A large portion of the site is located within Zone A of a Special Flood Hazard Area, according to FEMA's National Flood Hazard Layer Viewer. The boundaries of the flood area should be surveyed and identified on the site plan. The engineer of record shall certify to the floodplain administrator for the Village of Spring Valley that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 Section 255-18A of the Village Code states that not more than 50% of any land within the 100-year floodplain shall be counted towards the minimum lot area requirements. As the subject property appears to be located within a FEMA Designated 100-year floodplain, a lot area calculation must be shown on the site plan and 50% of the portion of the lot that is located within the floodplain must be deducted from the provided lot area. The variance application should be amended to show that a greater variance for lot area is needed and the public notice must be reissued if it contains inaccurate information.
- 4 The site plan indicates that the proposed structure will have three stories and an FAR of 0.75. However, the site plan shows a building footprint of approximately 4,000 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 12,000 square feet. This would result in an FAR of 1.33. Although this is an estimate, an FAR of 1.33 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 gross floor area must be indicated on the site plan, as well as the floor area ratio calculation. 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 0.75, 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. 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.
- 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 decks comply with this section and do not include any enclosed spaces.
- 7 The site plan shows two unlabeled protrusions on the sides of the proposed residence. These areas should be labeled and the Zoning Board of Appeals must confirm that they comply with all yard requirements.
- 8 A review must be completed by the Rockland County Sewer District No. 1, any comments or concerns addressed, and any required permits obtained.
- 9 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.
- 10 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.
- 11 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

**28 John Street (GML-26-0029)**

without any formal vote under the GML process:

- 11.1 Section A on pages 5 and 6 of the Application Review Form concerns area variances. This section has been left blank, thus it is incomplete. These questions must be answered to the best of the applicant's ability
- 11.2 The proposed building height must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.



---

Douglas J. Schuetz  
Commissioner of Planning

cc: Mayor Schenley Vital, Spring Valley  
Federal Emergency Management Agency  
NYS Department of Transportation  
Rockland County Department of Health  
Rockland County Office of Buildings and Codes  
Rockland County Planning Board  
Rockland County Sewer District No. 1  
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.