



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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THOMAS B. VANDERBEEK, P.E.  
Commissioner

July 18, 2012

ARLENE R. MILLER  
Deputy Commissioner

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 57.20-2-59    63.08-3-9.1    63.08-3-8    63.08-3-7    63.08-3-6    63.08-3-3  
63.08-3-2

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

**Map Date** 6/14/2012

**Date Review Received:** 6/15/2012

**Item:** *THE SHOPS AT NANUET (C-1909PP)*

Amendment to an approved site plan for a proposed new two-story regional mall in the RS and CS zoning districts on 59.59 acres. The major changes to the site plan include: curb improvements at Sears; modifications to the buildings resulting in an additional 15,309 square feet of gross floor area; the addition of the police substation parking lot area on the upper level adjacent to the fitness building; designation of a pedestrian drop-off area at the upper level along the theater building; alterations to service courts and building canopy additions due to advancement of the building design documents; alteration of the parking spaces (though the number of spaces is unchanged); modifications to the drainage pipes, utility locations based on input from the utility companies; and lighting design changes as required by Orange and Rockland.

Southwest corner of NYS Route 59 and S. Middletown Road

**Reason for Referral:**

NYS Route 59, S. Middletown Road (CR 33), Nauraushaun Brook

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 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.

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- 3 An updated review must be completed by the County of Rockland Sewer District #1 to ensure that the proposal for removal of the existing infrastructure, and connection of the new system are in compliance with their requirements. All required permits must be obtained from them.
- 4 An updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 5 An updated review must be completed by the County of Rockland Department of Health for review of the removal of the underground storage tank, sewer and water connections, well decommissioning, and to ensure compliance with the Mosquito Code. All required permits must be obtained.
- 6 All existing wells must be properly protected during the demolition and construction phases of the development process. The applicant must notify the Rockland County Department of Health of the intended steps to be taken to protect these wells during these phases.
- 7 An updated review must be completed by the Rockland County Office of Fire and Emergency Services.
- 8 An updated review must be done by Orange and Rockland, Inc. (O & R) to ensure that the plans are in keeping with their requirements. All required permits must be obtained. In addition, O & R must be satisfied that the access to their substation during demolition and construction phases are adequate to meet their needs.
- 9 An updated review must be completed by United Water New York, and all required permits obtained.
- 10 Designated snow pile areas have been proposed along the southwestern portion of the site, adjacent to the railroad and within the Orange & Rockland easement. The Orange & Rockland Utilities Standard Notes, Note #5, on Drawings CS101 0100, CG101 0100, CG102 0100, and CU101 0100 specifically state: "Stockpiling of debris, soil, snow or any construction materials within the Orange and Rockland easement is prohibited." The applicant must find alternate locations, not within the Orange and Rockland easement, and scattered throughout the site, to designate for stockpiling of snow. An explanation should also be provided as to why a previously designated area, located in the small parking lot in the southeastern corner of the site, does not appear to now be designated as a snowpile area.
- 11 The location and timing of the proposed pedestrian crosswalks and signalization must be reviewed and approved by the New York State Department of Transportation and the Rockland County Department of Highways.
- 12 The abbreviation for "not in contract - (nic)" should be spelled out the first time it is used in the note sections on the plans. It was only in the table provided was it made clear as to what (nic) referenced.
- 13 The new bubble map note on sheet CD101 0101 for the reference to the removal and connection to Sears and Macy's, in the upper right portion of the map, is partially cut-off. The complete map note must be provided.

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14 Most of the pedestrian crosswalks on Drawing CP101 0100 are labeled as being done with decorative stamped concrete to emphasize their location and aid in visibility to drivers for traffic calming purposes. However, approximately seven other crosswalks are not labeled as being designed with traffic calming techniques, such as the decorative concrete. All of these crosswalks are located adjacent to handicapped parking areas, where the patrons may either be in wheel chairs or crossing at a slower pace. To ensure safety for the pedestrians, all of the crosswalks must be designed to incorporate these higher visibility features and shown as such on this plan.

15 All lighting that is proposed within the Orange and Rockland easement must comply with the their standard note which states: "Light poles are not permitted within the Orange and Rockland easement, except that poles no more than 25 feet in height can be installed along the rear property line and will be no closer than 50 feet from the centerline of the overhead transmission lines." It appears that several of the lights are closer than 50 feet to the centerline of the overhead transmission lines.

16 Drawing E-5 Site Plan - Lighting - New Work, shows the location of the light poles. In the island, and within the drive access at the northern entrance on Middletown Road, are several symbols with the letter "P" next to them - which seem to represent duplex receptacles with weatherproof on the decorative light poles. Some of these symbols are located within the drive itself. If these are light poles, they need to be moved out of the access way.

17 The applicant should strive to design the site using the State Energy Conservation Construction Code and using green technology so as to incorporate energy and water saving features. In addition, porous pavers should be used to the extent possible, to reduce the amount of impervious areas.

18 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.

18.01 The bubble map notes on Drawings CD101 0103 and 0104, referencing the demolition of the building, have a typographical error that should be corrected.

18.02 The table for the Plan Change Tracker indicates that Drawing #CS101-0100 has revised General Notes 4, 13, 17 and 18. However the older set of plans only had General Notes up to #15; therefore, notes 16 through 21 are new and should be indicated in the revision description in this table.

18.03 Drawing CS101 0102 has a change to the southeast portion of the side, just north of the access drive. It is not clear what this change entails from the drawing; a description must be provided in the Plan Change Tracker Table.

18.04 All of the revisions to Drawing CP101 0100 must be provided on the Plan Change Tracker table since there have been many changes made to this drawing.

18.05 The Plan Change Tracker indicates that the General Notes for Drawing CG101 0100 have been revised for notes 10, 21, 27 and 28. However, the General Notes in the previous submission only went to note 24; therefore, all of the notes in this table from 25 through 29 have been added. This should be corrected in the Plan Change Tracker table as well as indicated as such with a bubble on Drawing CG101 0100.

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18.06 The Plan Change Tracker table should be revised to indicate that the General Notes were revised for notes 29-35 on Drawing CG102 0100.

18.07 The map note changes on Drawing CU101 0100 do not coincide with the Plan Change Tracker listing changes. These need to be consistent.

18.08 The Plan Change Tracker table should refer to Drawings LP101-0101 - 0105, not 0104; as there are five Landscape Plans.

18.09 The reference to the Sanitary Sewer Profiles I and II drawings in the Plan Change Tracker table do not coincide with the drawing numbers. Either the drawings should be renumbered, or the table changed so that they are consistent.

18.10 Drawing CE101 0101 provides details of the soil erosion and sediment control details. Detail 2 shows a compost filter sock - though this is referenced in the Plan Change Tracker table as detail 7. This needs to be corrected.

18.11 The references to the changes in the Plan Change Tracker table for the detail sheets do not correlate with the drawings. The descriptions for the for detail sheet changes must correctly correspond to the Detail Drawings CS501 0101 through 0107.



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Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Department of Public Transportation  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Rockland County Planning Board  
Orange and Rockland Utilities  
United Water of New York  
Langan Engineering & Environmental Services  
Ira Emanuel

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department 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 does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if 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.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*