

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 6, 2016

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 52.19-1-8      52.19-1-7

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

**Map Date:** 3/15/2016

**Date Review Received:** 6/9/2016

**Item:** *CVS VALLEY COTTAGE (C-1736L)*

Site plan for the proposed demolition of all existing structures on both parcels, and construction of a 12,016 sq. ft. CVS pharmacy/store with 60 parking spaces on a 1.41-acre parcel located in the COS zoning district. Construction of a 60-foot roadway located offsite to the south, is also proposed.

West side of NYS Route 303, approximately 655 feet south of Alyssa Court and 71 feet north of Lake Ridge Plaza

**Reason for Referral:**

NYS Route 303

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 The ownership issue with the proposed 60-foot wide access located offsite must be resolved.
- 2 The maximum lot coverage is more than 13% greater than allowed, the side yard is over 82% deficient, and the location of the parking area is 20% closer to the entrance than permitted, which can cause traffic flow and safety issues. A new proposal on a site should meet all bulk requirements. To eliminate the need for these variances, the size of the building must be reduced.
- 3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 4 A review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.
- 5 The comments in the June 24, 2016 letter from the County of Rockland Sewer District #1 must be met.

**CVS VALLEY COTTAGE (C-1736L)**

- 6 To reduce the lot coverage, larger areas of pervious pavement must be installed.
- 7 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping, located in the islands and at the ends of the parking areas, from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles, especially since only a minimum number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the retail store/pharmacy.
- 8 All proposed store identification and logo signage shall be indicated on the site plan, properly set back from the State highway, and shall conform to the municipality's sign standards.
- 9 The fields of illumination from onsite lighting must be contained wholly on site.
- 10 The proposed evergreen shrub landscaping, located in front of the eight parking spaces facing the State highway, should be expanded north so that the two northernmost parking spaces headlights are also shielded from shining into the State right-of-way.
- 11 The Vehicle Circulation Plan illustrates that a semi-tractor trailer would have to enter the exit portion of the access from NYS Route 303 in order to have sufficient turning radius. As this is not only unsafe to have trucks entering an exit, the design of the exit is such that only right hand turns are permitted, making the turn even more difficult. The turning movement also shows that trucks will also have to exit into the ingress portion of the access at the western location. This is not acceptable, and an alternate truck circulation plan route shall be provided.
- 12 The loading area for the retail use seems to be conflictive with the drive-thru lane of the pharmacy. Trucks exiting the site will have to compete with vehicles queuing for the drive-thru. This must be redesigned.
- 13 The Fire Truck Vehicle Circulation Plan illustrates that a fire truck will have to cross into the egress lane of the access when entering the site, and cross into the ingress lane to exit the site. This access point must be redesigned so that all vehicles can safely turn into and out of the site without crossing into oncoming traffic lanes.
- 14 The Garbage Truck Vehicle Circulation Plan illustrates that the garbage truck will have to travel the wrong way in the one-way drive that is located on the west and norther sides of the building, to access the dumpster area. It further illustrates that the truck will travel the wrong way, crossing into the drive-thru lane. Lastly, the circulation route is shown exiting the site, crossing over the island separating the egress and ingress, and making a left turn, where none is permitted. This circulation plan is extremely unsafe, and must be redesigned.
- 15 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 16 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown  
New York State Department of Transportation

**CVS VALLEY COTTAGE (C-1736L)**

Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Planning Board

Dynamic Engineering  
Ira M. Emanuel, P.C.

*\*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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which 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.*

