Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 5, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

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

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/15/2017 **Date Review Received:** 3/2/2017

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

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. This is critical since the access on NYS Route 303 is a right-turn exit-only access, and for the proposed site plan to function properly, the access issue must be fully resolved.

2 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.

3 An updated review must be done by the Rockland County Sewer District #1. In addition, the concerns raised in their letter dated November 22, 2016 must be met.

4 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.

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5 The Vehicle Circulation Plan still 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 into the site. The configuration of this access point is designed so that movement is restricted to only right-turn exits. In order to achieve this right turn movement into the site, a truck must awkwardly maneuver around the island designed to circulate traffic in a southerly only direction. This turning movement as designed is unsafe, even if truck deliveries occur just once per week during off peak hours.

6 The Town of Clarkstown must be satisfied that the loading area for the retail use is not conflictive with the drive-thru lane of the pharmacy.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 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.

9 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

Douglas J. Schuetz
Acting Commissioner of Planning

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