



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Arlene R. Miller
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October 29, 2019

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 57.19-1-11

57.19-1-10

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

Map Date: 10/2/2019

Date Review Received: 10/17/2019

Item: *THRUWAY PLAZA (C-2043L)*

Site plan for the proposed demolition of an existing strip mall shopping center and furniture store, and construction of a five-story, 121 room, 69,415 SF hotel. A 6,762 SF convenience store with gas pumps, a 1,844 SF Dunkin' with a drive-thru, and 226 parking spaces are also proposed. The existing KFC/Taco Bell restaurant and cell tower will remain. The properties are located in the RS zoning district and together comprise 6.66 acres. Variances are required for front, side, and rear yard buffers, parking within 30 feet of an entranceway to a parking field having a capacity of 20 or more spaces, a reduction of the special permit buffer area of 75 feet for gas filling stations, a dumpster and retaining wall within the buffer, number of monument signs, monument sign setback, and sign area; a waiver is requested for the stall width and depth and aisle width between stalls; Town Board approval is required for the location being within 300 feet of a school, church, or similar place of assembly; and a special permit use from the Town Board is required for the proposed gasoline filling station.

North side of NYS Route 59, south side of the NYS Thruway, opposite Old Nyack Turnpike

Reason for Referral:

NYS Route 59, NYS Thruway, Village of Spring Valley

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 must be completed by the New York State Department of Transportation for the October 2, 2019 site plan. In addition, all comments raised in their review of April 18, 2019 must be addressed and all required permits must be acquired.
- 2 An updated review must be completed by the New York State Thruway Authority, any comments or concerns addressed, and all required permits obtained.

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- 3 An updated review must be completed by the Rockland County Sewer District No. 1. In addition, the comments raised in their May 21, 2019 letter must be addressed.
- 4 An updated review must be completed by the Rockland County Department of Health. In addition, the comments raised in their June 5, 2019 letter must be addressed.
- 5 An updated review must be completed by the New York State Department of Environmental Conservation. In addition, the comments raised in their July 11, 2019 letter must be addressed.
- 6 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 445 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Clarkstown.
- 7 Several variances are required in order to implement the site plan. Since this is new development, the design should not necessitate the need for variances. A reconfiguration of the site plan must be done to alleviate the need for the yard buffers, parking within 30 feet of an entranceway, and the dumpster and retaining wall within the buffer.
- 8 An area in the northwest is dedicated for snow removal. However, as this is a large site with multiple uses located on it, more snow storage areas should be designated. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating more than just one specific location on the site for the snow piles will eliminate the loss of parking spaces meant for the patrons and employees of the hotel, convenience store, and restaurants.
- 9 The letter from Dynamic Engineering Consultants, dated October 3, 2019, states that the proposed QuickChek will have a portable generator. One should also be provided for the hotel so that it may remain operable for public use in the event of a power outage. In addition, the applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the generators.
- 10 The applicant must provide as-built drawings and other documentation to New York State Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks for the proposed gasoline service station, as per code. These tanks must also be registered with them.
- 11 The letter from Dynamic Engineering Consultants, mentioned above, states that a variance for the dumpster and retaining wall for being within the buffer is being sought. However, this does not appear in the general notes section on sheet #3. This section should be updated to include all variances being requested.
- 12 In addition, general note #6C. on sheet #3 includes a (W) after two lines, without providing a note as to what this indicates. A note stating that this symbol stands for a waiver shall be included in this section.
- 13 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 14 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 15 The Town of Clarkstown's sign ordinance is reasonable and must be followed. All proposed signage shall conform to the town's sign standards so that no variances are required.

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16 The signage plan must indicate that variances are required for monument sign setback and sign area for the Holiday Inn Express & Suites.

17 Sheet #4 notes that the existing lot line will be disclaimed to create one larger lot. Once the lot merger has been approved, the map and the deeds must be filed with the County Clerk, showing the lot line disclaimer. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk to achieve this new lot configuration.

18 One of our comments in the review dated June 19, 2019 was the request that the parking associated with each building be clearly delineated on the plans, to ensure that there was sufficient parking for each use within close proximity to the building. This has not yet been provided. Though the plans provided sufficient parking overall for all proposed uses, it appears that parking for several buildings are located at quite a distance. For example, two fast food restaurants require 61 parking spaces in total, yet only 39 spaces are located within the section of the site near these uses. The hotel also seems deficient in having parking in close proximity to the building. One hundred and twenty-one spaces are required, and only 73 parking spaces are in the vicinity of the building.

19 Since 23 spaces required to meet the parking needs for the proposed uses are located in the northwestern portion of the site, a sidewalk and crosswalk must be provided so that staff and patrons can safely walk between the parking spaces and the locations to which they serve.

20 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

21 The Vehicle Circulation Plans for the fuel tanker and the tractor-trailer traverse into oncoming traffic in order to maneuver within the site. Alternate vehicle routes should be explored to determine if any other routes can resolve this issue. In addition, the plans for the tractor-trailer show two routes that enter the site, but do not exit. A complete loop for these two routes must be provided to ensure the entire circuit of the tractor-trailer can be made without issue.

22 The Vehicle Circulation Plan for the fire truck does not show the vehicle movement in relation to the fire lanes designated on the site plan in all locations. The circulation plan for fire trucks must demonstrate that the vehicles can access all of the fire lanes. If the vehicles cannot access the fire lanes, these locations must be redesigned or redesignated so that they can be accessed. In addition, the fire lanes must be clearly indicated on the Vehicle Circulation - Fire Truck drawing, as they have been left off.

23 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, specifically in the west by the gas filling station and by the southern entrance to the site near the proposed Dunkin'.

24 The applicant should consider providing at least one electric charging station for use by its future patrons. This could be located at the hotel or restaurants so that vehicles could be charged while patrons are using the businesses.

25 Turnaround areas must be provided for the parking spaces in the southern corner by the Dunkin' building, the southwestern corner of the area near the gas pumps, and the northwestern corner near the proposed snow storage area to ensure that vehicles can safely maneuver out these spaces.

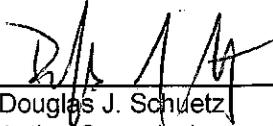
26 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

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

28 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

29 We request the opportunity to review the special permit use by the Town Board that is required for the gasoline service center in order to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Thruway Authority
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

Dynamic Engineering Consultants, PC
Village of Spring Valley Planning Board

**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.