



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

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THOMAS B. VANDERBEEK, P.E.  
Commissioner

C. SCOTT VANDERHOEF  
County Executive

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Deputy Commissioner

September 22, 2011

New Square Village Board  
766 North Main Street  
Spring Valley, NY 10977

**Tax Data:** 42.19-3-43

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

**Map Date:** 8/12/2011

**Date Review Received:** 8/20/2011

**Item:** *NEW SQUARE NMTC (SUPERMARKET) (NS-10)*

Site plan for a 13,273 SF supermarket on 1.094 acres in an NS zoning district.  
Northeast side of Mezritch Road, 235 feet east of Polnoya Road

**Reason for Referral:**

Town of Ramapo

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 Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the northern property line of the subject site. This area of the Town is zoned R-35, a low-density residential district characterized by single-family residences on 35,000 SF lots. The maximum permitted residential density in this zone is 1.24 units per acre. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on

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community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 3 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.
- 4 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 5 The Grading and Utility Plan (Drawing Number 3) indicates that the school and multi-family development sites drain to the supermarket site. A multi-lot drainage easement is therefore required.
- 6 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.
- 8 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 9 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 10 Given the requirement for a 30-foot wide screening buffer along the Ramapo municipal boundary, a landscaping plan must be submitted for our review.
- 11 Fields of illumination from proposed on-site lighting sources shall be shown on the site plan, and shall not extend beyond the property lines.
- 12 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

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13 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

14 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the fire inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

15 The turnaround area at the northern end of the western parking area is compromised by the refuse containment area. It must be enlarged so that there is adequate area for vehicles to access and exit parking spaces when the dumpster is being emptied. It may be necessary to eliminate the last space on both sides of the parking area.

16 Since the supermarket proposed on Lot 42.19-3-43 is unrelated to the school and multi-family development proposed on Lot 42.19-3-51, a separate application should be submitted for this site plan. The subject site is a separate tax parcel in a different zoning district.

17 Only 40 parking spaces are shown on the site plan for the proposed supermarket. The delivery and loading areas cannot be counted as parking spaces. The total number of parking spaces must be corrected in the bulk table.



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

cc: Mayor Mates Friesel, New Square  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Rockland County Planning Board  
Brooker Engineering, PLLC  
Town of Ramapo

Ami Golubchik

*\*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.*

