



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

June 3, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 42.19-3-87 42.19-3-86

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

Map Date: 4/18/2013

Date Review Received: 5/3/2013

Item: *HERITAGE PARK POULTRY PROCESSING PLANT (NS-5D)*

Special permit and site plan application for a two-story, 26,250 SF poultry processing facility on .99 acres in a GB zoning district. The on-site parking will be provided on an adjacent .70-acre parcel.

Northeast corner of Apta Road and Route 45, and southeast corner of Apta Road and Route 45, opposite Rovitz Place

Reason for Referral:

NYS Route 45, Town of Ramapo, Village of New Hempstead

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***

On July 14, 2009, this department issued General Municipal Law reviews for the special permit and site plan applications, and the variances required for an earlier version of the proposed poultry processing facility. At that time, we recommended disapproval of all three applications. In the current application, the square footage of the poultry processing facility has been reduced by 48 percent from 50,730 SF to 26,250 SF. Parking is proposed on a vacant .70-acre parcel on the opposite side of Apta Boulevard. The on-site parking requirement is fulfilled.

While we recognize that the proposed poultry processing facility has been scaled back significantly, we are still concerned about its proximity to residential uses in neighboring municipalities and within the Village of New Square. Food processing facilities are typically categorized as industrial uses and as such, are incompatible with residential uses. Segregating incompatible land uses is a well-established land use regulatory practice. We do not believe that this is an ideal location for this industrial use given its proximity to residential neighborhoods.

1 A review of the revised site plan and the Operations and Impact Study shall be completed by the New York State Department of Transportation and all required permits obtained.

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2 The Town of Ramapo and the Village of New Hempstead are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is 275 feet northeast of the subject site. A low-density residential zone is located immediately north of the Village of New Square in unincorporated Ramapo. The municipal boundary for the Village of New Hempstead is along Route 45 directly opposite the site. This area of New Hempstead is zoned 1R-35, a single-family residential zoning district. 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; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. 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 and the Village of New Hempstead must be given the opportunity to review the proposal and its impact on 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 and the Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the site plan.

3 Given the water pressure problems that have occurred in the past in the Village of New Square and the projected high water usage by this facility, a review of the revised site plan and the Operations and Impact Study must be completed by the Rockland County Department of Health. All required permits must be obtained to ensure that health and sanitary code requirements are met.

4 Given the sewer capacity problems that have occurred in the Village of New Square and are acknowledged in the Executive Summary, a review of the revised site plan and the Operations and Impact Study must be completed by the County of Rockland Sewer District No. 1. All required permits must be obtained.

5 A review of the revised site plan and the Operations and Impact Study shall be completed by the New York State Department of Health and all required permits obtained.

6 A review of the revised site plan and the Operations and Impact Study shall be completed by the New York State Department of Agriculture and Markets and all required permits obtained.

7 A review of the revised site plan and the Operations and Impact Study must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

8 A review of the revised site plan and the Operations and Impact Study shall be completed by the United States Department of Agriculture and all required permits obtained.

9 A review of the stormwater management plan must be completed by the County of Rockland Department of Health to ensure compliance with the County Mosquito Code.

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10 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.

11 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.

12 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.

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

14 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.

15 The landscaping shall be supplemented between the proposed detention basin and Route 45. Additional low evergreens planted along Route 45 will provide an enhanced visual buffer and contain litter along the roadway.

16 The special permit conditions for poultry processing facilities include a requirement that all loading and unloading shall be screened from adjacent properties and public streets. It does not appear that any fencing or landscaping is proposed along Tetiyuv Way. The northernmost loading area has a very wide entry access point. We recommend that the access driveway be more clearly defined so that fencing or landscaping can be provided along the Tetiyuv Way frontage to adequately screen this loading area.

17 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

18 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

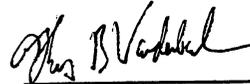
19 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village fire inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

20 Question 8 on page 9 of the 21-page Full Environmental Assessment Form asks if the proposed action is compatible with the adjoining/surrounding land uses within a 1/4 mile. This question is answered affirmatively. We disagree. This industrial use is not compatible with the adjoining and surrounding residential uses. The answer to Question 8 shall be changed to "No."

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21 The special permit regulations for poultry processing plants are listed on the Layout Plan; Regulation 1.f. indicates that the special permit shall limit the number of animals for processing. The Executive Summary states that the poultry processing facility is being designed to process 5,000 birds per day. That number must be specified in Regulation 1.f. on the Layout Plan.

22 It is stated in the Executive Summary and the Traffic Report that the processed poultry will be delivered to off-site facilities in single-unit trucks. These documents indicate that most of the truck deliveries will be made within New Square. Additional information must be provided about these deliveries. Is the processed poultry being delivered to retail distributors, catering facilities or schools/houses of worship? Will non-resident customers travel to New Square to purchase the processed poultry? If so, this additional traffic must be factored into the Traffic Report. The distribution process and the final destination of the finished poultry products must be clarified.



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

cc: Mayor Mates Friesel, New Square
New York State Department of Transportation
New York State Department of Health
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
Brooker Engineering, PLLC
Town of Ramapo, Village of New Hempstead
New York State Department of Agriculture & Markets
United States Department of Agriculture
Town of Clarkstown
Ischa Unger

**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.