



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
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April 22, 2015

New Square Zoning Board of Appeals
37 Reagan Road
New Square, NY 10977

Tax Data: 42.19-3-43

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

Map Date: 10/17/2014

Date Review Received: 3/23/2015

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

Parking variance to permit construction of a proposed supermarket with offices on a 1.094-acre parcel in the 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.

NEW SQUARE NMTC (NS-10A)

The Town of Ramapo 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The turn around areas on the site plan provide little room for vehicles to maneuver, particularly the one located at the western property line, as a concrete retaining wall is proposed directly adjacent to it. Sufficient room must be provided on site for vehicular movement. Standards indicate that for parking space aisle widths of 24 feet or less, the turnaround area should be at least 6'. The parking layout must be redesigned so that the turnaround area is sufficient for vehicular movement and maneuverability on site, which could further reduce the number of parking spaces and therefore the parking variance.



Douglas J. Schuetz
Acting 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
Sparaco & Youngblood, PLLC
Town of Ramapo
Dov Goldman

**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.