



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

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

September 30, 2013

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 56.16-1-7

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

**Map Date:** 8/9/2013

**Date Review Received:** 8/30/2013

**Item:** *MONSEY MALL (R-1828F)*

Site plan for a second and third floor addition to two existing retail buildings on 3.25 acres in an MU-1 zoning district. The second and third floors will contain 69 one- and two bedroom apartments. The retail space will increase from 35,601 SF to 41,221 SF. The two buildings will be connected at the second and third floors.

North side of Route 59, 350 east of Route 306

**Reason for Referral:**

NYS Route 59, NYS Route 306, Saddle River Road (CR 73), 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 of the August 9, 2013 site plan shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. The applicant must also satisfy the conditions of DOT's letter of September 23, 2011.
- 2 This department is not in favor of granting parking variances for sites located on state roads. This proposal includes 210 on-site parking spaces, while 413 spaces are required by code. A future road-widening project along this section of the state highway will result in the elimination of an additional 18 parking spaces, thereby increasing the magnitude of the parking variance. Route 59 is a heavily traveled roadway and a major east-west corridor in Rockland County. The nearby intersection of Routes 59 and 306 is subject to significant traffic congestion. Inadequate on-site parking could impede the safe and efficient flow of traffic along the state highway. The Town must monitor the adequacy of the proposed on-site parking for this mixed use development. Alternatively, the applicant must pursue an off-site parking agreement with an adjacent property owner in the event that the proposed on-site parking proves inadequate.

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- 3 The proposed parking easement to the west of the western property line must be in place prior to site plan approval. Five parking spaces that overlap the site boundary are proposed in this easement area. The on-site parking deficiencies will be exacerbated without these parking spaces, and the extent of the required parking variance will increase.
- 4 The seven diagonal parking spaces facing Route 59 can only be accessed from the eastern driveway. A driver will be forced to exit the site if these parking spaces are full. The driver will then have to re-enter the site to access the additional parking in the southeastern corner or at the rear of the building. This will result in additional turning movements on the heavily traveled state highway. These seven parking space must be re-designed so that drivers can access the rear parking area from these spaces without exiting the site in the event that they are all occupied.
- 5 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is 360 feet northeast of the site. 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 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 Village of Spring Valley 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 Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.
- 6 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 7 The applicant must comply with the conditions of the Rockland County Health Department's letter of September 5, 2013.
- 8 An updated review of the August 9, 2013 site plan shall be completed by the Rockland County Sewer District No. 1. The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of January 11, 2013.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 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.

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12 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District, to ensure that there is sufficient maneuverability on-site for emergency vehicles.

13 The proposed mixed-use buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town Fire Inspector indicates that an aerial apparatus road is required but not provided. A NYS variance is therefore required.

14 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.

15 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.

16 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.

17 All proposed signage must conform to the Town's sign standards, particularly with regard to size and setback requirements.

18 The Lighting and Landscaping Plan must include the right-of-way easement to Route 306.

19 Low evergreen landscaping must be provided in front of the parking spaces facing Route 59 to shield headlights from shining into oncoming vehicles traveling on the state road.

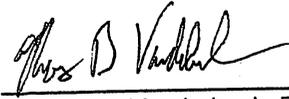
20 The Site Planting and Lighting Plan shows a row of Arborvitae and Serbian Spruce along the northern property line at the rear of the site. These plantings are on the adjacent property. Has the property owner granted permission for these shrubs and trees to be planted in this location?

21 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line or onto the state roads.

22 The site plan contains a note indicating that a portion of Tax Lot 56.16-1-6 to the east is in possession of Tax Lot 56.16-1-7. The disposition of this approximately 1,400 SF strip of land must be clarified since the proposed second and third floors and the parking turnaround area extend over the property line. Is the applicant acquiring this land area from the adjacent property owner?

23 A snow removal area must be indicated on the site plan. Since this proposal, is already deficient in the provision of on-site parking, snow piles cannot be located within the parking areas.

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

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Atzl, Scatassa & Zigler P.C.  
Village of Spring Valley  
New York State Department of State,  
Division of Code Enforcement and Administration  
Michael Tauber

*\*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.*