



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 30, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.12-1-5.2

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

Map Date: 2/26/2015

Date Review Received: 4/1/2015

Item: *SHOPPERS HAVEN AMENDED SITE PLAN (R-1198J)*

Amended site plan for an existing 145,630 sq. ft. retail and warehouse building located in the CS zoning district on 4.69 acres. A re-subdivision of three lots to two is also proposed, which will result in a new lot configuration, and therefore requires an amended site plan for this site. In addition, internal space has been reallocated, from warehouse to more retail space. Shared parking is proposed for this site and the adjacent site to the west.

Approximately 385 feet east of NYS Route 306, north side of the Consolidated Railroad right-of-way, south side of Moscarella Road

Reason for Referral:

NYS Route 306, 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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The Title Plan still identifies and shows the tax lot boundaries for tax parcel 56.11-2-29.1, while the subdivision plat has that this parcel was "formerly tax lot 56.11-2-29.1" but is now part of tax lot 56.12-1-5.2. Information obtained previously indicates that these two parcels were merged when a lot line disclaimer was done in 2006. Our tax maps have been updated to show that this merger did occur. The Title Plan must be revised, showing the newer and larger tax lot, eliminating the lot line and the notation of 56.11-2-29.1, and only labeling the parcel as 56.12-1-5.2.

SHOPPERS HAVEN AMENDED SITE PLAN (R-1198J)

3 The Title Plan has zoning boundaries for these parcels, as well as for the surrounding area. A heavy dashed line is used to separate the zoning district boundaries. Tax parcels 56.12-1-5.1 and 5.2 have a heavy dashed line surrounding them, but no zoning district annotated. The zone change that was done reviewed by our Department in 2010 included tax parcel 56.12-1-5.2, and proposed the change from NS (Neighborhood Shopping) to CS (Community Shopping). Tax parcel 56.12-1-5.1 was not included in this zone change and should still be PI. The zoning district boundaries must be corrected on the Title Plan and the correct zoning district annotated for all lots.

5 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is just over 200 feet east 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 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 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 amended site plan.

6 The Title Plan, as well as Drawing No. 2.2 refer to a parking easement proposed for Lot #2 for their remaining required parking in a footnote for the bulk table for proposed Lot #2. However, no easement is labeled or shown on the site plan. This easement must be referenced on the site plan, as indicated in General Notes #14.

7 A review must be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for emergency vehicles.

8 A review shall be done by the Rockland County Department of Public Transportation for TOR Loops #1 and #2 and T.R.I.P.S. service into the site, and any concerns addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Department of Public Transportation
Rockland County Planning Board
Brooker Engineering, PLLC
Village of Spring Valley

SHOPPERS HAVEN AMENDED SITE PLAN (R-1198J)

**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.

