



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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June 10, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.16-1-11 56.16-1-10

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

Map Date: 5/5/2015

Date Review Received: 5/12/2015

Item: *TOWN SQUARE (R-856C)*

MU-1 CS zoning district. Site plan for improvements to an existing 137,582 sq. ft. shopping center located on 13.65 acres in the zoning district. Improvements to the property include: 1) additional parking spaces, and re-alignment of some of the existing parking areas; 2) addition of a fire lane in the back of the main building; 3) installation of a back-up generator to power the existing supermarket; 4) placement of five, double-stacked temporary storage containers behind the existing main building; 5) installation of fencing in the areas surrounding the property that do not already contain fencing; 6) clearance of parking that was parallel to Route 59, which blocked the fire department connections; 7) closure of the easterly entrance/exit associated with Building #3, and conversion of the parallel exit to a two-way road; and 8) addition of 3,500 sq. ft. to the east side of Building #3.

South side of NYS Route 59, opposite Robert Pitt Drive

Reason for Referral:

NYS Route 59, 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 comment in the June 1, 2015 letter from the Rockland County Sewer District No. 1 must be met.

TOWN SQUARE (R-856C)

3 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is along NYS Route 59, directly adjacent to the site to the north. 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 proposal.

4 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road. In addition, supplemental landscaping should be added to the parking islands to help break up the large macadam areas.

5 A lighting plan shall be submitted for review. No lighting shall shine beyond the property line or shine into the State right-of-way.

6 The narrative submitted by The Monsey Marketplace, LLC indicates that Building #3 is proposed to have a 3,000 sq. ft. addition constructed on the eastern end of the existing building. The revised site plan lists this addition to be 3,500 sq. ft. It must be clarified which of these is the correct square footage for the addition, and the erroneous measurement corrected.

7 The narrative submitted by Joseph Brachfeld of The Monsey Marketplace, LLC states that 569 parking spaces are required, and that 747 spaces are being proposed. However, the bulk table and map note indicate that 587 parking spaces are required and that a total of 754 spaces are being proposed. A parking calculation must be provided showing how the number of required parking spaces is achieved, and the site plan map and narrative must be in agreement. These discrepancies must be resolved and corrected.

8 A time-frame must be provided for how long the proposed temporary storage units will be located on site.

9 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.

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

TOWN SQUARE (R-856C)



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
Sparaco & Youngblood, PLLC
Village of Spring Valley Planning Board
Joseph Brachfeld, The Monsey Marketplace, LLC

**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.

