

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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July 18, 2016

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: 6/8/2016

Date Review Received: 6/9/2016

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

Revised site plan for an existing 137,582 SF shopping center located on 13.7 acres in an MU-1 zoning district. The addition of 9,807 SF to the east side of Building #3 is now proposed rather than the 3,500 SF addition previously shown. Canopies have been added to several buildings. Fencing is now shown around the existing trash compactors behind Building #1. Speed humps are to be installed along the frontage of Building #1. The site plan improvements proposed in June of 2015 were approved.
South side of 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 An updated review of the June 8, 2016 site plan must be completed by the Rockland County Sewer District #1 and all required permits obtained. The applicant must also comply with the conditions of the Sewer District #1's letters of March 14, 2016 and July 6, 2015.

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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 and north 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 proposal.

4 The existing commercial buildings and the proposed additions must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

5 The Fire Truck Turning Plan has been revised to demonstrate the turning movements of a 7-Tower fire truck. A review of the updated plan must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

6 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing Route 59 to shield headlights from shining into oncoming vehicles traveling along the state highway. In addition, supplemental landscaping shall be added to the parking islands to help break up the large macadam areas.

7 A lighting plan must be submitted for our review. The fields of illumination from on-site lighting sources shall not extend beyond the property line or onto the State road.

8 The GML referral form indicates that the shopping center is located in the CS zoning district. The zoning map illustrates that these two parcels are in the MU-1 zoning district. All application materials must be consistent and the GML referral form corrected.

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 (January 2015) and local ordinances.

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12 Aerial photography and recent site visits indicate that there are more than ten containers on the adjacent property near the southeast corner of the subject site. These containers appear to be serving commercial establishments in the Town Square shopping center. It is unclear if easements have been granted by the property owner to allow this use of the adjacent site. This must be clarified.



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
New York State Department of State,
Division of Code Enforcement & Administration
Monsey Fire District
Rockland County Office of Fire and Emergency Services

Brooker Engineering, PLLC
Village of Spring Valley

Joseph Brachfeld

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

