

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 10, 2020

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 33.05-2-8

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

Map Date: 7/28/2020

Date Review Received: 8/6/2020

Item: *PACESETTER PARK (R-748Q)*

Site plan for a total of 8,825 SF additions to an existing 66,700 SF supermarket located in a shopping center on 10.33 acres in the CS zoning district. The gross floor area of the building will be 94,781 SF, with 8,232 SF proposed as accessory storage on the south side of the building, and two additions to the north side of the building which total 593 SF. A new sidewalk, delivery van loading area, and four additional parking spaces are also proposed.

South side of NYS Route 202, 195 feet east of Ladentown Road

Reason for Referral:

NYS Route 202, Minisceongo Creek, Samuel G. Fisher Mount Ivy Environmental Park, Rockland County Sewer District No. 1 Pump Station, federal and state wetlands

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 must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The applicant must comply with the comments made by the Rockland County Department of Health in their letter of August 7, 2020.
- 3 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of August 10, 2020.
- 4 The applicant must comply with the comments made by the Rockland County Division of Environmental Resources in their letter of August 17, 2020.
- 5 The applicant shall comply with the comments made by the Rockland County Drainage Agency in their letter of September 9, 2020.

PACESETTER PARK (R-748Q)

- 6 A portion of the addition for the accessory storage is proposed to be constructed within the buffer area of the New York State wetlands. A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 7 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and any required permits obtained.
- 8 A review shall be completed by the Rockland County Department of Health and/or the New York State Department of Environmental Conservation for the modifications proposed to the area near the monitoring wells.
- 9 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards 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.
- 11 No shopping cart storage areas are shown on the site plan. There are currently several shopping cart storage areas in the supermarket section of the shopping center. If these are to remain, or any additional areas are proposed, they must be illustrated. The placement of the cart storage areas will impact the parking spaces occupied by these storage areas and must be factored into the parking calculation. A variance may be required for parking to accommodate these areas.
- 12 The traffic signage and circulation through the parking lot must be shown on the site plan.
- 13 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line, particularly in the southwest portion where the lumens are as high as 4.8 at the boundary. This is especially important to prevent light from spilling into the adjacent County park.
- 14 The site plan does not contain a north arrow (only the vicinity map does). This feature must be added to the site plan.
- 15 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 16 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Environmental Conservation
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Division of Environmental Resources

PACESETTER PARK (R-748Q)

United States Army Corps of Engineers

Brooker Engineering, PLLC

Mona Montal, Chief of Staff

**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.