



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

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

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

August 6, 2015

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.64-1-3 50.64-1-2

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

Map Date: 5/18/2015

Date Review Received: 7/24/2015

Item: *PRESTIGE BUILDERS - HILLCREST CENTER (SV-768B)*

Site plan for the proposed demolition of an existing car wash, a 1,875 sq. ft. addition to an existing 13,200 sq. ft. one-story building and a 1,500 sq. ft. addition to an existing 33,990 sq. ft. three-story building on two tax lots that consist of 2.4 acres and are located in the GB zoning district. A lot line change is also proposed between the lots to delineate the lot line for tax lot 50.64-1-3 around the building instead of through the existing building.

Northeast corner of East Hickory Street and NYS Route 45

Reason for Referral:

NYS Route 45, E. Eckerson Road (CR 74), Town of Ramapo

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 comments in the July 28, 2015 letter from the Rockland County Sewer District No. 1 must be met.
- 3 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

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5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western boundary of the site, on NYS Route 45 and along the eastern boundary of the site on State Street. 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 Town of Ramapo 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 Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the State highway to shield headlights from shining into oncoming vehicles traveling on the road.

7 The Village of Spring Valley must monitor the parking for the site to ensure that it is sufficient to serve the retail and office uses. If additional parking is found to be needed, than an alternate off-site location may need to be found.

8 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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.

11 All signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

12 A landscaping and lighting plan shall be submitted for our review. Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the State highway.

13 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

14 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

15 Unloading areas must be shown on the site plan, especially since no loading docks are being provided. The loading areas must not impeded the flow of traffic on the sites, or block any parking spaces, particularly since less than the required number of parking spaces are being proposed.

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16 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since only a minimum number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the retail and office uses.

17 Though the two uses share accesses and function as one site, they are situated on two independent tax parcels. To ensure that the accesses and parking spaces serving both lots continue to function as planned in the future, cross access easements and parking easements must be provided. The provision of these easements will ensure rights over each parcel in the event that the lots are sold in the future to another entity.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Brooker Engineering, PLLC
Town of Ramapo

**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.

