



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

March 27, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.67-1-1.2

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

Map Date: 1/28/2015

Date Review Received: 2/26/2015

Item: *SPRING VALLEY HOTEL (SV-444CC)*

Site plan to allow a five-story, 87 room business hotel with an indoor swimming pool, in the PLI zoning district on 1.7 acres.

East end of Spring Valley Market Place, north of the NYS Thruway, south of the railroad

Reason for Referral:

NYS Thruway, Town of Clarkstown

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 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line of the parcel, and approximately 50 feet south of the parcel. 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 Clarkstown must be given the opportunity to review the proposal and its impact on

SPRING VALLEY HOTEL (SV-444CC)

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 Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 A review must be completed by the New York State Thruway Authority and all required permits obtained.

3 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

4 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

5 The comments and conditions in the March 17, 2015 letter from the Rockland County Sewer District No. 1 must be met.

6 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

7 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 located in the islands 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 the minimum number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the hotel.

8 The previous submission showed a non-exclusive easement for all purposes of ingress/egress and all utility purposes. We had requested additional information about this easement in our April 15, 2008 review, as landscaping and parking were proposed over this area. This submission does not depict this easement area, nor is any information provided about it either. The revision block does not mention updating the easement information, yet it is now not illustrated. The applicant must provide documentation about this easement.

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

10 The site plan legend shows a symbol for a proposed fire hydrant, yet no symbol is shown on the actual site plan. Is another fire hydrant proposed for the site? If so, it should be clearly illustrated on the site plan.

11 A review shall be completed by New Jersey Transit, with particular attention to the drainage flow being directed onto their property. Any raised comments or concerns must be satisfactorily addressed.

SPRING VALLEY HOTEL (SV-444CC)

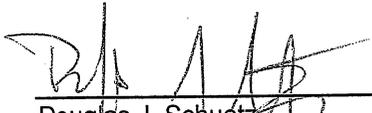
12 The site plan shows an easement to Spring Valley Water Company. Is this the correct, updated entity since Spring Valley Water Company no longer exists? Since parking and other site improvements are being proposed within this easement area, United Water must review the proposed site plan. Any comments or concerns raised must be addressed.

13 A review must be completed by Orange & Rockland since parking and other site improvements are located within their right-of-way. Any raised concerns or comments must be addressed.

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

15 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.

16 The site plan notes several joint easements for both Orange & Rockland and New York Telephone. Since New York Telephone no longer exists, these easement notations must be updated to the correct entity. The phone service company who now has control over these easements must be contacted so that they can review the proposal, since parking and other site improvements are proposed within their right-of-way.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
New York State Thruway Authority
Rockland County Department of Health
Rockland County Sewer District #1
Orange and Rockland Utilities
United Water of New York
Bertin Engineering
Town of Clarkstown
New Jersey Transit
Verizon Telephone

**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.

