

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 24, 2016

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

Tax Data: 57.57-1-7

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

Map Date: 2/26/2016

Date Review Received: 4/25/2016

Item: *ONE PERLMAN LLC (SV-326K)*

Special permit application to allow a mixed-use development in an existing office building on 3.9 acres in a PLI zone. An 1,100 SF cafeteria is proposed within the 110,00 SF office building.
Northeast corner of Perlman Drive and South Pascack Road

Reason for Referral:

Perlman Drive (CR 35C), Pascack Road (CR 35), Town of Clarkstown, New Clarkstown Road (CR 35A), NYS Thruway, Pascack Brook

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 By definition, special permit uses are held to a higher standard of review. The Village Board must be satisfied that the proposed cafeteria conforms to the general standards for special permit uses outlined in Section 255-27, as well as the individual standards and requirements for mixed-use development listed in Section 255-28K. The proposal must also comply with the applicable PLI and GB bulk standards.
- 2 A site plan with a bulk table must be submitted for our review so it can be determined if this a conforming development, particularly with regard to parking. The Village Board must assess if any site improvements are warranted as a result of this proposal.
- 3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

ONE PERLMAN LLC (SV-326K)

4 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 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.

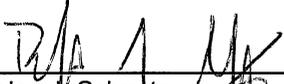
The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

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

7 The proposed cafeteria and the existing office building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector or the East Spring Valley Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
East Spring Valley Fire District
Rockland County Department of Highways
New York State Thruway Authority
Rockland County Drainage Agency
Rockland County Department of Health
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Architectonics
Town of Clarkstown

One Perlman LLC

ONE PERLMAN LLC (SV-326K)

**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.

