

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 31, 2017

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

**Tax Data:** 57.56-2-7

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 3/28/2017

**Date Review Received:** 10/2/2017

**Item:** *MCDONALDS - 106 ROUTE 59 (SV-850)*

A site plan application for modifications to parking and drive-through areas for an existing fast-food restaurant on 0.715 acres in a HB zoning district.

The northern side of NYS Route 59, approximately 1,300 feet east of South Central Avenue.

**Reason for Referral:**

NYS Route 59, 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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the northern property line. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of Spring Valley.
- 3 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will provide specific locations on the site for the snow piles, thereby reducing the use of parking spaces meant for customers.
- 4 The application review form and the site plan zoning data indicate the property is located in the GB zoning district. Available records indicate the property is located in the HB zoning district. The correct zoning district must be established and, if necessary, public notices must be reissued.

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- 5 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 6 Low evergreen landscaping or a berm must be provided in front of the new interior driveway on the southern side of the property to shield headlights from shining into oncoming vehicles travelling on Route 59.
- 7 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 8 The site plan does not indicate the locations of directional signage shown on the construction details. The site plan must provide the locations of directional signage. The exit must have a right-turn-only sign.
- 9 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 10 The proposed interior drive along Route 59 eliminates a significant portion of the landscaping on the property. The Village must use this opportunity to improve the visual aspects of the site by requiring additional landscaping. Possible locations for additional landscaping are the areas adjacent to the new interior drive, the rear of the site that is not used for parking, and the islands in the adjacent parking lot.
- 11 Aerial photography from 2010 through 2016 shows a dumpster located in a parking space and not in the enclosure. Given that just the minimum amount of parking is being provided on site, the applicant must keep the dumpster within the enclosure.
- 12 The current location of the dumpster enclosure will block access to the eastern parking area during collection. The applicant must relocate the enclosure to a more isolated portion of the site.
- 13 The site plan must show the designated street line for Route 59.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley  
New York State Department of Transportation  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Core States Architecture and Engineering P.C.  
Town of Clarkstown

*\*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.*

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*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.*

