



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 14, 2018

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

Tax Data: 57.66-1-2.1

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

Map Date: 2/22/2018

Date Review Received: 3/12/2018

Item: *SPRING VALLEY MARKETPLACE EXPANSION (SV-444EE)*

A site plan application for improvements to an existing 207,513 sq. ft. shopping center on 18.75 acres in the PLI zoning district. Improvements include: a 12,000 sq. ft. building expansion; parking layout changes; sidewalk improvements; drive aisle realignment; and the reconstruction of a loading area.

The eastern side of New Clarkstown Road, approximately 390 feet north of NYS Route 59, bounded by Spring Valley Market Place roadway and the NYS Thruway to the south and New Jersey Transit Railroad to the north.

Reason for Referral:

New York State Thruway I-87/287, New York State Route 59, Perlman Drive (CR-35C), New Clarkstown Road (CR-35A), Pascack Brook, 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***

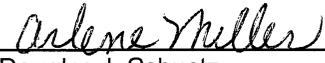
- 1 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them
- 4 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

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- 5 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of April 12, 2018.
- 6 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 7 This project has been referred to the Clarkstown Planning Board. The board reviewed the proposal at their March 14, 2018 meeting and issued comments to the Village of Spring Valley in a letter dated March 15, 2018. All comments made by the Clarkstown Planning Board must be addressed.
- 8 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 Guidelines for Urban Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 The site plan does not include the locations of any shopping cart corrals. All cart corrals must be shown and any parking spaces used for them must be deducted from the number of spaces provided. There must be a sufficient number of usable spaces to meet the parking requirement.
- 11 Vehicles travelling south on the access way along the eastern side of the building will have limited sight distance as they approach the southeastern corner of the expansion. A stop sign with pavement markings must be installed.
- 12 Metes and bounds for a building restriction line are shown on the site plan. The nature of this line must be clarified.
- 13 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 14 The site plan shall contain map notes that include district information.
- 15 A landscaping plan must be provided. Low evergreen landscaping shall be provided along all State and County highways to block the headlights of parking cars from shining into such highways.
- 16 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 help to protect landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers.
- 17 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.

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18 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.



for Douglas J. Schuetz
Deputy Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley
New York State Thruway Authority
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1

Bohler Engineering
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.

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.

