COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

August 10, 2015

Chestnut Ridge Planning Board
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 62.15-1-34

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

Map Date: 6/30/2015 **Date Review Received:** 7/27/2015

Item: ***ARTIS SENIOR LIVING (CR-228A)***

Site plan for a one-story, 32,000 SF Assisted Living Residence and ancillary parking on 5.48 gross acres (4.01 net acres) in an NS and R-40 district. The facility will serve 64 memory-impaired individuals. North side of Chestnut Ridge Road, approximately 100 feet southwest of Red Schoolhouse Road

Reason for Referral:

Chestnut Ridge Road (NYS Route 45), Red Schoolhouse Road (CR 41)

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 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 An updated review of the June 30, 2015 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District's February 5, 2015 letter.

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

ARTIS SENIOR LIVING (CR-228A)

6 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

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

8 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.

9 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

10 The proposed retaining walls reach heights of up to 24 feet. These walls shall be tiered and landscaped to mitigate their visual impact.

11 The wall measurement in the northwestern portion of the retaining wall is listed as top of wall 418 feet, and bottom of wall 346 feet. This wall measurement is 72 feet. Is this correct, especially give the fact that the wall heights on either side of this measurement are 16 feet and 22 feet? This measurement must be corrected.

12 All proposed signage shall conform to the municipality's sign standards.

13 If appropriate, low evergreen landscaping must be provided in front of the parking spaces facing Chestnut Ridge Road to shield headlights from shining into oncoming vehicles traveling on the state road.

14 In our review of the zoning text amendment to allow Assisted Living Residences as a special permit use in the NS zoning district, we questioned the adequacy of the on-site parking requirement on holidays and other special events when larger numbers of visitors are in attendance. We recommended that off-site parking arrangements be in place to accommodate overflow parking needs on peak demand days. The applicant must explore this option and show proof of such arrangements. Curbside parking is not appropriate on the state highway or county road. A shortage of on-site parking can result in vehicles stacking along the roadway. Both of these situations will create unsafe traffic conditions, and must not be permitted.

15 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 the minimal number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the visitors and employees of the facility.

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

17 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.

ARTIS SENIOR LIVING (CR-228A)

18 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
United States Army Corps of Engineers
Brooker Engineering, PLLC
New York State Department of State,
Division of Code Enforcement and Administration
Max Ferentinos, Vice President

**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.