

**DEPARTMENT OF PLANNING**

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

**Arlene Miller**  
*Deputy Commissioner*

March 7, 2016

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

**Tax Data:** 62.16-1-34

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

**Map Date:** 10/14/2015

**Date Review Received:** 2/2/2016

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

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 the NS and R-40 districts. 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 An updated review of the October 14, 2015 site plan must be completed by the County of Rockland Department of Highways and any required permits obtained. In addition, the applicant shall comply with the conditions of the Highway Department's letter of August 28, 2015.
- 3 The applicant shall comply with the conditions of the Rockland County Health Department's letter of February 8, 2016.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District's February 8, 2016 letter.
- 5 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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- 6 A review of the Truck Turn Around Plan 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.
- 7 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 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 All proposed signage shall conform to the municipality's sign standards.
- 11 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.
- 12 Areas dedicated for snow storage must be clearly delineated on the site plan so that the plow drivers will know where to place the snow. This will help to protect the landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow storage, especially since only the minimum on-site parking is being provided, will eliminate the loss of parking spaces meant for the visitors and employees of the facility.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 14 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.
- 15 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.

  
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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  
New York State Department of State,  
Division of Code Enforcement & Administration  
United States Army Corps of Engineers

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South Spring Valley Fire District  
Brooker Engineering, PLLC

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.*

*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.*

