

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 27, 2016

Chestnut Ridge Village 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: 3/22/2016

Date Review Received: 4/14/2016

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

Special permit application to allow the construction, maintenance and use of 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 By definition, special permit uses are subject to a higher standard of review. The project narrative includes a detailed discussion of the relevant special permit standards. The Village Board must be satisfied that this proposal meets the General Conditions, outlined in Section 1 of Article XII, the individual standards listed in Section 16 of Article XII and the applicable NS bulk standards.
- 2 While the minimum on-site parking requirement is achieved in accordance with Section 16.J. of Article XII, an overflow parking area is also provided pursuant to discussions with the Planning Board. The access to the overflow parking area traverses part of the walking path and will require removal of fencing and a 10-foot retaining wall. These requisite site plan changes are not addressed in the project narrative. Further explanation must be provided.
- 3 The amended Declaration of Covenants must be approved by the Village Board.
- 4 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

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- 5 An updated review of the March 22, 2016 site plan must be completed by the Rockland County Highway Department and any required permits obtained. In addition, the applicant shall comply with the conditions of the Highway Department's letter of March 3, 2016.
- 6 An updated review of the March 22, 2016 site plan must be completed by the County of Rockland Department of Health and any required permits obtained. In addition, the applicant shall comply with the conditions of the Health Department's letter of February 8, 2016.
- 7 An updated review of the March 22, 2016 site plan must be completed by the Rockland County Sewer District No. 1 and any required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's February 8, 2016 letter.
- 8 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.
- 9 The proposed building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 10 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 or the South Spring Valley Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.



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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
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services
South Spring Valley Fire District
United States Army Corps of Engineers

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.

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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.

