



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 5, 2019

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

Tax Data: 62.16-1-56

62.16-1-4

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

Map Date: 7/12/2019

Date Review Received: 8/8/2019

Item: *THREEFOLD EDUCATIONAL FOUNDATION & OTTO SPECHT SCHOOL (CR-105X)*

A lot line revision and site plan application to construct a 36,526 sq. ft. school on 23.48 acres in the RR-50 zoning district. A 3.48-acre portion of tax parcel 62.16-1-4 is to be combined with tax parcel 62.16-1-56 for a total of 23.48 acres. A variance is required for number of parking spaces.

The southwestern side of Hungry Hollow Road, approximately 710 feet northwest of Chestnut Ridge Road, and the northeastern side of Hungry Hollow Road, approximately 1,240 feet northwest of Chestnut Ridge Road.

Reason for Referral:

Hungry Hollow Road (CR 71), federal wetlands

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 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of August 30, 2019.
- 2 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of September 3, 2019.
- 3 A review must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained from them.
- 4 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 5 Since a portion of the site is located within federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

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6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge 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.

7 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 Standards for Urban Erosion and Sediment Control.

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

9 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 (August 2010) and local ordinances.

10 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

11 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

12 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

13 Page C-100 of the site plan indicates that the proposed parking area will have 37 spaces, not 39. The site plan must be corrected.

14 The proposed 39 parking spaces is only 32% of the required 122 spaces. The site plan shall be amended to include landbanked parking areas in the event that additional parking is required. Under no circumstances can vehicles be parked within the County right-of-way. Off-site parking or other arrangements must be in place for special events, such as parent-teacher conferences or graduation ceremonies, to accommodate excess parking demand.

15 The lighting plan indicates that fields of illumination will exceed 0.1 lumens at the Kennedy Parkway entrance. The lighting plan must be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

16 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

17 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 the proposed 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 staff and visitors.

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- 18 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.
- 19 The site plan and subdivision maps have not been stamped by the engineer. All maps must be stamped and signed by the engineer.
- 20 Upon approval of the subdivision, revised deeds must be filed with the Rockland County Clerk.
- 21 The proposed school is a Special Permit use. We request the opportunity to review the Special Permit and variance applications that are needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 22 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.
- 23 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Department of Highways
United States Army Corps of Engineers
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

McLaren Engineering Group

**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.

