

DEPARTMENT OF PLANNING

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August 11, 2020

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

Tax Data: 68.09-2-22	68.09-2-12	68.09-2-11
68.09-2-10	68.09-2-9	68.13-1-6

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

Map Date: 6/6/2019

Date Review Received: 7/13/2020

Item: *EQUESTRIAN ESTATES - RED SCHOOLHOUSE ROAD (CR-246)*

A petition to establish a Planned Unit Development (PUD) Floating Zone District for the creation of a 266-unit PUD with 44,525 square feet of commercial space on six parcels with a total area of 39.6 acres. The residential units include 118 units of Senior Housing, 62 townhomes, 2 single-family dwellings, and 84 apartments within two mixed-use buildings.

The scope of this review is limited to the petition to map a PUD Floating Zone District to the specific parcels listed above for the proposed PUD known as Equestrian Estates. The text amendment establishing and creating standards for the PUD Floating Zone District will be reviewed separately. The eastern side of Red Schoolhouse Road, approximately 250 feet south of Sephar Lane

Reason for Referral:

Red Schoolhouse Road (CR 41), Garden State Parkway North Extension, Town of Orangetown

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:

****Disapprove***

1 The applicant has simultaneously submitted a request to amend the Village of Chestnut Hill's zoning regulations to create and establish standards for Planned Unit Development Floating Zone District and a petition to map this zone to a 39.6 acre site for the creation of 266-unit PUD. It is this department's opinion that the actions required to approve the Equestrian Estates project cannot be undertaken until the text amendment has received all required reviews, all standards and requirements are established, has been approved by the Village Board, and gone into effect. Until the text amendment is finalized, there is no mechanism for the approval of a specific PUD project. Moreover, the final requirements and standards for PUDs may be substantially different than those that have been proposed by the applicant. The Equestrian Estates Concept Plan may not conform to the ultimate requirements. The proposed PUD must be disapproved until the authorizing text is finalized, approved, and takes effect.

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2 Although not yet finalized and adopted, the proposed authorizing text amendment contains several requirements that the Equestrian Estates project fails to meet. Some of the items that were not provided with the application materials are: A traffic impact study; population projections; analysis of fiscal impacts; and documentation of market need. These items are necessary to evaluate the impacts of the proposal. In addition, the proposed text amendment requires, among other bulk requirements, minimum side and rear setbacks of 50 feet. The bulk table indicates that the proposed side and rear setbacks will only be 25 and 46 feet, respectively. It is imperative that the first PUD application fully comply with all of the requirements and bulk criteria, particularly since this application will establish a precedent for all other future PUD applications. Since the Equestrian Estates proposal does not meet the minimum bulk requirements or provide the necessary documentation, the PUD petition must be disapproved.

The following comments address our additional concerns about this proposal.

- 3 The applicant must comply with all comments made by the Rockland County Department of Health in their letter of July 3, 2020.
- 4 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of July 9, 2020.
- 5 A review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 6 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the southern boundary of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Orangetown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Orangetown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 7 Currently, the TOR Bus Route 92 operates along Red Schoolhouse Road. The proposal represents an opportunity to evaluate service to the area. In addition, because senior housing is proposed, the project must be evaluated for accessibility to the TRIPS service. A review must be completed by the Rockland County Department of Public Transportation and their comments considered.
- 8 Due to the presence of federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the South Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 10 The site plans provided have been reduced in size, are difficult to decipher, and not to-scale. Full-sized, to-scale plans must be provided.
- 11 The proposed standards for development found in Article XII, Section 20.F require a 100-foot buffer around federal and state wetlands. The site plan must be amended to indicate the buffer area.
- 12 Although not yet finalized and approved, the requirements found in the bulk table do not match those found in the proposed text amendment. The bulk table must be amended to cite the requirements found in the proposed text amendment.
- 13 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 Standards for Urban Erosion and Sediment Control.
- 14 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 15 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.
- 16 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.
- 17 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.
- 18 Landscaping and lighting plans shall be provided. The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 19 All signage must be indicated on the site plan. In addition, a unified sign plan to which all retail tenants must conform must be provided to the Village for approval.
- 20 Electronic maps maintained by the Rockland County Department of Planning indicate that an undeveloped right-of-way extends from Loescher Lane and runs between parcels 68.09-2-10 and 68.13-1-6. The applicant must demonstrate that the right-of-way has been abandoned and that they have ownership of this land.
- 21 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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22 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 Department of Highways
Rockland County Department of Public Transportation
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Thruway Authority
South Spring Valley Fire District
United States Army Corps of Engineers

Langan Engineering
Town of Orangetown Planning Board
Tim Miller Associates, Inc.

Rockland County Planning Board Members

**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.