



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ  
Acting Commissioner

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Deputy Commissioner

July 1, 2015

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

Tax Data: 44.20-4-51      44.20-4-4

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

Map Date: 5/20/2015

Date Review Received: 6/5/2015

Item: **KENNELLY SQUARE (C-3055B)**

Special permit and site plan for a proposed three-story, mixed-use development on 1.32 acres in the NS zoning district. A 9,407 sq. ft. commercial/retail use is proposed on the first floor, and 14 one- and two-bedroom dwelling units are proposed on the second and third floors.

West side of US Route 9W, approximately 224 feet south of Lake Road

**Reason for Referral:**

US Route 9W, Lake Road (CR 80), Rockland Lake State Park

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***

With regard to the special permit for the mixed use development, we offer the following condition:

1 The February 26, 2015 letter from Brooker Engineering, PLLC lists the requirements for the special permit use. Item (d) on page 2 indicates that 14 dwelling units are proposed with 11 being one-bedroom. The site plan also lists that 3 two-bedroom units and 11 one-bedroom units are being proposed in the footnotes section for the special permit use. However, the floor plans submitted with the application illustrate that the second floor will have four two-bedroom units and four one-bedroom units, while the third floor will have six one-bedroom units, for a total of 10 one-bedroom units and four two-bedroom units. In addition, Item (e) on page two indicates that the maximum of 25% of the dwelling units may be two-bedroom units is being met with the three two-bedroom units. The percent ratio is met if three two-bedroom units and 11 one-bedroom units are proposed; however, the 25% is exceeded with the four two-bedroom units. The bedroom configurations on the floor plans must be redesigned so that the number of each type of unit proposed is achieved and that no variances are required for the dwelling unit bedroom size.

With regard to the site plan review, we have the following comments and conditions:

**KENNELLY SQUARE (C-3055B)**

- 2 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 3 A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- 4 The comments in the June 15, 2015 letter from the Rockland County Department of Health must be met.
- 5 The comments in the June 24, 2015 letter from the County of Rockland Sewer District #1 must be met.
- 6 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 7 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.
- 8 All existing wells and sanitary sewer systems must be shown on the site plan. A formal notation must be provided, not only on the Existing Conditions and Demolition Plan, but also on the Site Plan, specifying that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.
- 9 Drawing FT, Vehicle Maneuvering Plan, illustrates the route for a tower truck through the site. However, the maneuverability path stops before the exit. It must also illustrate the turning movement out of the site, illustrating that the radius is sufficient for this fire apparatus.
- 10 Drawing FT, Vehicle Maneuvering Plan shows two illustrations for a box truck with its maneuverability from the exit. The two drawings show different paths of exit. These should be consistent if they are for the same type vehicle.
- 11 A review must be completed by either the Town of Clarkstown's Fire Inspector or the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 12 All proposed signs must conform to the Town of Clarkstown sign regulations.
- 13 All proposed lighting must be completely contained on site, and not shine into the State right-of-way or adjacent properties.
- 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 There shall be no net increase in the peak rate of discharge from the site at all design points.

**KENNELLY SQUARE (C-3055B)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Alex Gromack, Clarkstown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Planning Board  
Rockland County Office of Fire and Emergency Services  
Brooker Engineering, PLLC

*\*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.*

