



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

October 14, 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: 9/4/2015

Date Review Received: 9/17/2015

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

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. All existing structures on site will be demolished.

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 remand the matter for local determination since it appears that all conditions have been met. With regard to the site plan review, we have the following comments and conditions:

- 1 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 An updated review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 3 As indicated in the June 15, 2015 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

KENNELLY SQUARE (C-3055C)

- 4 The conditions in the June 24, 2015 letter from the Rockland County Sewer District No. 1 must be met.
- 5 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.
- 6 All existing wells and sanitary sewer systems must be shown on the site plan. If any of the existing wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify 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.
- 7 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.
- 8 All proposed signage shall conform to the municipality's sign standards.
- 9 The label for the proposed grass ground cover along US Route 9W is pointing to the sidewalk. This needs to be corrected so that it points to the area between the sidewalk and the edge of road pavement.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.



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
Degenshein Architects

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

KENNELLY SQUARE (C-3055C)

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.

