Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 20, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 53.13-2-26 53.13-2-25 53.13-2-24
53.13-2-23 53.13-2-22

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/3/2017 **Date Review Received:** 11/17/2017

Item: ***CRYSTAL LAKE CONDOMINIUMS (C-3562C)***

Site plan for the proposed construction of 14 buildings, with a total of 35 residential units, which will contain two types of semi-attached or attached patio style town home units, and 140 parking spaces in the MF-1 zoning district on a total of 7.47 acres. A community building, containing a recreation hall, indoor swimming pool, and supporting facilities is also proposed. Five lots, plus an abandoned paper street (Atchison Street), will be merged into one lot.

East side of US Route 9W, north side of Smith Street, and approximately 700 feet south of Rockland Lake Road

Reason for Referral:

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

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 A review must be completed by the New York State Department of Transportation, and all required permits obtained.

2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

3 The comments in the November 24, 2017 letter from the Rockland County Department of Health must be met.

4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

CRYSTAL LAKE CONDOMINIUMS (C-3562C)

5 The tax parcel information must be appropriately conveyed to the County for the lot line mergers, via a filing and recording with the County Clerk.

6 A review must be completed by the Palisades Interstate Park Commission, and any raised concerns addressed.

7 Since the narrative states that a large part of the buying market for these units will be seniors, a review shall be done by the Rockland County Department of Public Transportation to ensure that the TRIPS buses can access the site for pick-ups and drop-offs.

8 A review must be completed by the Town of Clarkstown Fire Inspector, the Rockland Lake Fire District, or the Rockland County Office of Fire and Emergency Services to ensure that there is adequate maneuverability on site for the fire apparatus. Sheet 15 or 21 only provides schematics for two locations on site, using two types of fire trucks. Since several locations, such as the two common driveways, have tight turning radii, it must be demonstrated that all fire equipment can access the buildings.

9 An undisturbed, vegetated 20-foot buffer area must be maintained along the property line adjacent to the Palisades Interstate Parkway. The intent of this buffer is to not only protect the visual integrity of the Parkway, but to preserve the existing vegetation and root systems from damage due to adjacent construction/on-site activities. This area must be clearly delineated on the map, and on the deed so that future property owners are aware of this restriction, and all structures kept out of this buffer area.

10 Additional landscaping should be planted along the eastern portion of the property, especially near the detention basin, to help shield the regraded area and development from the adjacent parkland.

11 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

11.1 Building N should be re-oriented so that the front of the building faces the proposed road. This will also help to reduce the amount of driveway area needed to access the structure.

11.2 A sidewalk connection should be provided to the community building from the south side of the development.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, 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 Drainage Agency
Rockland County Department of Public Transportation

Askon Consultants

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

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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.