



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 23, 2017

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 63.11-2-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/5/2017

Date Review Received: 5/30/2017

Item: *VINCENT'S VILLAGE (C-524K)*

Site plan and special permit application for a proposed 94 dwelling unit senior housing development located on 46 acres in the R-15 zoning district (Phase II of Seton Village). The applicant is proposing seven buildings, which will consist of five two-story buildings (82 one-bedroom and 12 two-bedroom); a one-story community building; a one-story community services building, a village green, and 110 parking spaces. No variances are required for this application.

North side of Convent Road, opposite Hayden Circle; approximately 225 feet east of the intersection with Newport Drive

Reason for Referral:

Convent Road (CR 46), Pascack Road (CR 35), Pascack Brook, Rockland County Sewer District #1 sewer pumping station

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 Town of Clarkstown Planning Board must be satisfied that all criteria permitting the senior citizen housing, subject to Section 290-170(A) of the zoning ordinance have been met. The applicant has not provided information for two of the criteria; the square footage of the recreation space provided, or the total aggregate number of Senior Citizen Housing units that will be constructed in the Town of Clarkstown once this project is completed. This information must be provided.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.

VINCENT'S VILLAGE (C-524K)

- 3 The comments in the June 7, 2017 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.
- 4 The comments in the May 31, 2017 letter from the Rockland County Department of Health must be met.
- 5 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 7 Since the proposed project is for senior housing, a population likely to utilize the County's TRIPS bus service, a review must be completed by the Rockland County Department of Public Transportation, and any comments or concerns addressed.
- 8 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 9 Unlike Phase I of Seton Village, all of the proposed parking spaces back out directly into the ring road serving the community. The parking spaces for Building #2 will need to back out into the ring road portion that serves both communities. To help reduce potential pedestrian and vehicular conflicts, the parking lots should be designed so that they are accessible off of an internal parking lot road.
- 10 The section of the internal roadways, where they intersect, is very awkwardly configured. The merging of two community ring roadways, a pedestrian crosswalk, as well as parking spaces for Building #2, all converge at the same point. Sight and other safety issues are of a concern in this vicinity. This section must be redesigned so that the likelihood of vehicular and pedestrian conflicts is reduced.
- 11 It is not clear if the proposed Community Services Building, Building #7, will be used by only those in Vincent's Village, or also by the residents in Seton Village. This must be clarified. If it is to be used by all residents in both communities, then a sidewalk connection from the Seton Village community must be provided.
- 12 Several lease lines are illustrated on the site plan. The lease line located between the proposed and the existing development, is proposed to be relocated. It must be clarified what the legal ramifications are of these lease lines. Is it the intent to eventually subdivide the parcel? This must be clarified.
- 13 We offer the following comments regarding the Full Environmental Assessment Form: 1) the additional agencies must be listed for approvals required under B.e. - Rockland County Planning Department, Rockland County Health Department, and Rockland County Sewer District #1; 2) the US Army Corps of Engineers must be added as an agency under B.f.; and 3) questions # D.2.c.ii, D.2.d.iii regarding whether a line extension will be necessary to serve the project, E.2.q., and E.3.e. must be completed.
- 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.

VINCENT'S VILLAGE (C-524K)

16 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.

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: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Public Transportation
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
United States Army Corps of Engineers

Atzl, Nasher & Zigler P.C.

**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.

