

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

October 25, 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:** 9/22/2017

**Date Review Received:** 10/2/2017

**Item:** *VINCENT'S VILLAGE (SISTER OF CHARITY PHASE II) (C-524L)*

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 (74 one-bedroom units and 20 two-bedroom units); a one-story community building; a one-story community services building, a village green, and 113 parking spaces, of which 85 will be constructed initially. 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 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. The comments in the June 23, 2017 letter from them must be met.
- 2 An updated review must be completed by the Rockland County Drainage Agency. In addition, the comments in the June 7, 2017 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.
- 3 An updated review must be completed by the Rockland County Department of Health. The comments in the May 31, 2017 letter from the Rockland County Department of Health must be met.

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- 4 The comments in the October 11, 2017 letter from the County of Rockland Sewer District #1 must be met, and all required permits obtained.
- 5 The comments in the Rockland County Department of Public Transportation letter dated October 24, 2017 must be addressed.
- 6 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.
- 7 A sidewalk connection from the Community Services Building to the residents of Seton Village must be provided to ensure safe pedestrian access to this facility. The Town should also consider whether a few parking spaces to serve this facility should be provided.
- 8 The gate located at the easternmost should be located further from the road so that a vehicle can pull completely off of the roadway to get access to the gate.
- 9 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.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 12 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.
- 13 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

  
for Douglas J. Schuetz  
Deputy 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.

## **VINCENT'S VILLAGE (SISTER OF CHARITY PHASE II) (C-524L)**

*\*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.*

