

L'DOR (FKA LAUREL MANOR) (C-3546A)

development coverage variances of this magnitude. The ability of the existing infrastructure to accommodate residential uses of this size must be evaluated. The sewer system, stormwater management systems and public water supply can become overburdened. Permitting a development that exceeds the zoning ordinance standards to such an extent undermines the intent of the zoning ordinance and compromises the community character of the neighborhood. The size of the proposed addition must be scaled back to more closely conform to the Town's zoning standards.

2 To reduce or eliminate the need the variances floor area ratio, the principal building coverage, and the development coverage, the Town should investigate whether the applicant can purchase the adjacent vacant parcel to the north, tax lot 50.08-2-17, so that it can be used for the proposed adult care facility expansion. The building could then be shifted further away from the property lines, and better comply with the standards that measure building size in relation to the site dimensions.

3 To lessen the extent of the development coverage variance required for the site, pervious pavers and/or other porous materials must be used wherever possible. This must include the areas for sidewalks and patios, as well as any other feature that can benefit from pervious materials.

4 The comments in the August 23, 2018 letter from the Rockland County Department of Health, Center for Environmental Health, must be met.

5 The comments in the September 6, 2018 letter from the Rockland County Highway Department must be addressed. All required permits must be obtained prior to the start of construction or grading of the site.

6 The comments in the September 25, 2018 letter from the Rockland County Sewer District No. 1 must be met.

7 The comments and concerns raised in the Rockland County Department of Public Transportation letter dated October 9, 2018 must be addressed. Specifically, as indicated in their letter, if the driveway is to remain two-way, then a pull-off area must be incorporated into the design of the layout of the project for the main entrance, so that private and public transportation services can conveniently and safely pick-up or discharge passengers from the facility without blocking the driveway.

8 The Town of Ramapo and the Village of New Square are two of the reasons this proposal was referred to this department for review. The municipal boundary for the Town of Ramapo is approximately 265 feet west of the site; and the municipal boundary for the Village of New Square is approximately 495 feet northwest of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Town of Ramapo and the Village of New Square must be considered and satisfactorily addressed.

9 Landscaping should be supplemented along the proposed northern retaining wall where it is at its highest point, to help buffer its impact, especially since it is to be located so close to the adjacent property boundary. In addition, the wall height at its eastern end should also have elevations.

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10 The Town Planning Board must determine if the loading area for truck deliveries for kitchen supplies is sufficient for a facility of this type. Will only box-type trucks be delivering kitchen supplies to the facility? What about other supplies needed for the facility; i.e., housekeeping/cleaning supplies, medical stock, and personal care supplies? Where will they be delivered, to the same location? If large tractor trailer deliveries are expected, then the truck radius plan must be updated to demonstrate that larger trucks can also maneuver to the delivery area. This information must be provided and clarified.

11 The August 16, 2018 Narrative Summary indicates that 39 parking spaces in total are being provided. It further lists that 30 spaces are required for the facility, and that nine additional spaces are being provided for guest parking. The site plan lists and depicts only 36 parking spaces for the facility. All information must be consistent. These discrepancies must be corrected.

12 Subdivisions/lot mergers are one method to show an intended lot line change between two or more parcel owners. However, once a subdivision/lot merger has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk.

13 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

14 There shall be no net increase in the peak rate of discharge from the site at all design points.

15 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Public Transportation

Atzl, Nasher & Zigler P.C.
Town of Ramapo Planning Board
Village of New Square

**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.

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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.