

ROCKLAND APL REALTY, LLC (C-3546B)

4 The parking calculations on the site plan reference an adult care facility, not an assisted care living quarters. Parking requirements, as per Section 290-17O(A).(10), list that .55 parking spaces are required per bed, or 44 spaces (43.45 spaces rounded up). The site plan indicates that only 36 parking spaces are required. The site plan must be updated to reflect the proposed use in a R-15 zoning district.

5 Section 290-17O(A).(11) requires that the minimum lot area be 180,000 sq. ft. (4.13 acres). The site plan submitted only shows the use of the 2.78-acre parcels. Use of the two lots, plus the lots proposed to be acquired, must be incorporated into the site plan design.

6 No recreational area has been designated on the site plan for the Assisted Care Living Quarters as required in Section 290-17O(A).(l). This must be included in the site design.

7 Floor plans must be provided of the building to ensure that all requirements of Section 290-17O(A). are met.

8 The proposed structure is quite large, and will have a significant impact to the existing residences located adjacent to the site. To help shield the building, lighting, and parking impacts, extensive landscaping and/or berms must be included in the site design, as a condition of the zone change.

9 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.

10 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.

11 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

12 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

13 A north arrow must be provided on Drawing #2.



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

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

Attention Kathleen Houlahan, Town Attorney's Office
Justin Sweet, Town Clerk
Clarkstown Planning Board, Attention Joe Simoes

**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.

