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 5, 2019

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 51.19-2-19

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/23/2019 **Date Review Received:** 4/29/2019

Item: ***SCHIMPF FARM (C-3635)***

Site plan for a proposed 127-unit senior housing development located on 8.5 acres in the R-22 zoning district. A special permit use from the Planning Board is also requested to permit the senior housing development as per Section 290-17 O(A). Seven three-story buildings, with a total floor area of approximately 179,000 sq. ft. is proposed. The dwelling units will consist of 64 one-bedroom units, 62 two-bedroom units, and one three-bedroom unit for the superintendent's apartment. Other amenities include 167 parking spaces, a 5,500 sq. ft. residents' clubhouse, putting green, bocce courts, outdoor courtyards, patios, sitting area, and on-site walking paths. Variances are required for front yard, rear buffer, and side buffer.

Southeast corner of Germonds Road and Parrott Road

Reason for Referral:

Germonds Road (CR 27), federal wetlands

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 proposed development is not consistent with the immediate single-family use which surrounds the parcel. The suburban/semi-rural neighborhood will contrast significantly with this much denser, more urban development. The proposed design consists of seven buildings that are three-stories in height, and which maximizes many of the bulk requirements, including floor area ratio and lot coverage. In addition, the yards and buffers for several of the dimensions are not met, resulting in the need for several variances. Adherence to the buffer and yard requirements must be met so as to better assimilate the more intensive housing design with the existing single-family neighborhood. The Town Planning Board should also consider whether to reduce the number of units so as have a more complementary designed development, while also providing for a better transition from the surrounding single-family residential neighborhood. A redesign that requires no variances must be provided.

SCHIMPF FARM (C-3635)

2 As mentioned above, the senior housing development is proposed to consist of seven, three-story buildings. The surrounding neighborhood, comprised of single-family dwellings, are only two-stories in height. Even the non-residential buildings in the area (the schools, bus garage, and the Rockland Board of Cooperative Educational Services main campus), are only two-stories in height. The height of the buildings should be reduced to two-stories so as to be more compatible with the community character of the neighborhood.

3 To better visualize the proposed scale of the development to the surrounding neighborhood, a 3D Visualization shall be provided from all directions.

4 Building lengths of close to 165' are proposed, and are not comparable to single-family dwellings, regardless of the architectural design or height. The description points out that the height complies with the bulk standard, but fails to acknowledge that variances for buffers and the front yard are required. Full compliance with the bulk regulations would decrease the impacts to the surrounding residential neighborhood. The visual context of the large residential structures versus single-family dwellings, and the impacts to the surrounding properties since the buffer areas and front yards are not met must be addressed. Smaller buildings, less units and reduced parking would result in a more compatible development to the surrounding single-family residences.

5 The design of the layout is typical of a "cookie cutter" development, and unimaginative. The buildings are all the same shape and size, with parking that surrounds the buildings. The development is "engineered" into the site, rather than designed to be a cohesive, community. A more creative alternative design should be provided so that both the existing neighbors and the new residents will be proud of the new development.

6 The designated street lines are illustrated on the site plan, however, all of the yard and buffer measurements are taken from the property line and not the designated street line. Any future road widenings will reduce the property boundary, resulting in a residential design that is ten feet even closer to the roadway than intended. Computing all buffer and yard measurements to the designated street lines will result in the exacerbation of the variances. So that the development is designed with the intended yards and buffers, all measurements must be taken from the designated street lines and the degree of non-conformity noted in the bulk table.

7 The location of the Club House and other recreational features are located in the periphery of the site. The development design itself is broken up with parking, resulting in a layout that does not encourage community interaction. The amenities should be more centrally located so that they serve as gathering places, instead of being located remotely on the side of the development, as an afterthought.

8 The parking regulations require 159 spaces, and 167 are being provided. The DEIS and site plan note that these eight extra spaces will be used for snow storage areas. Sixteen of the required parking spaces are located more remotely, closer to the entrance and community garden and club house in the southwestern portion of the site. In addition, no guest parking areas have been identified. The Planning Board must review the parking locations to ensure that the parking spaces are in close enough proximity to the residential needs, and that the eight extra spaces are sufficient in size to contain the snow piles.

9 The Planning Board must be assured that the designated snow storage areas will not extend beyond the two spaces allotted for storage. In addition, site distance issues can arise when the snow piles block the view of vehicles backing out of parking spaces, creating unsafe conditions. Alternate locations where the size of the snow piles will not impede the use or sight distance for the parking spaces, must be considered.

10 The two parking spaces to be used for snow storage, located at the end of the northwestern parking area, will not only occupy the spaces, but also the turnaround area. The westernmost parking spot, when snow piles are present, will have difficulty maneuvering out of the parking space due to both a potential of overflow from the snow piles, but also the lack of a turnaround area. In addition, the snow storage area will most likely block access to the proposed garbage enclosure. An alternate snow storage area must be provided on the site.

SCHIMPF FARM (C-3635)

11 As indicated above, no visitor parking is provided. Is it anticipated that all of the parking spaces will be occupied by the residents? Where will guests park while visiting the residents of the development? This must be clarified and addressed.

12 A pedestrian crossing is proposed near the southwestern portion of the site. This crossing does not occur at an intersection, but rather in the middle of Germonds Road. This location of the pedestrian crosswalk can result in unsafe conditions. Sidewalks must be extended to the intersection of Minor Court so that a safe crossing can be provided. This would also provide connections to the existing sidewalks on Minor Court and Yellowstone Drive so that the residents have more walking options.

13 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

14 Fire lanes must be delineated on the site plan to ensure that their layout is feasible, especially in regard to the location of the proposed fire hydrants.

15 The Phasing Plan provided in the DEIS is very difficult to read. The phasing description states that the buildings closest to Parrot Road will be constructed first, yet Building 7 is included in the Phase I Limit of Disturbance. Cross hatching, or some other method should be used to more clearly identify what components comprise each phase.

16 The site plan provides only the boundary of the site. The adjacent uses, including buildings and vegetation should be provided so that a better evaluation of the new development in respect to the existing uses can be obtained.

17 The comments and conditions in the May 13, 2019 letter from the Rockland County Highway Department must be addressed. All required permits must be obtained prior to any grading or construction on the site.

18 The comments and conditions in the May 16, 2019 letter from the Rockland County Sewer District No. 1 must be addressed. All required permits must be obtained prior to any grading or construction on the site.

19 The comments in the June 3, 2019 letter from the County of Rockland Department of Health must be addressed.

20 Since the site is proposed to be a senior citizen housing development, it is likely that many of the residents will take advantage of the County T.R.I.P.S. bus service. A review must be completed by the Rockland County Department of Public Transportation to ensure that there is sufficient locations on site to pick-up or drop-off residents who want to take advantage of the bus service.

21 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Clarkstown fire inspector, or the West Nyack/New City Fire Departments to ensure that there is sufficient maneuverability on site for emergency vehicles.

22 The Town of Clarkstown Planning Board must verify that the wetland delineation of June 17, 2013 is still valid.

23 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.

24 Map Note 9 indicates that the water will be supplied by United Water Company. This must be corrected to Suez. Map Note 18 is repetitive of Map Note 12, and must be deleted.

25 Prior to the start of demolition, 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 Standards for Urban Erosion and Sediment Control.

SCHIMPF FARM (C-3635)

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

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 Planning Board
Rockland County Department of Public Transportation
Rockland County Office of Fire and Emergency Services
New York State Department of Transportation
United States Army Corps of Engineers
New York State Department of Environmental Conservation

Brooker Engineering, PLLC
Ira M. Emanuel, P.C.
West Nyack Fire Department
New City Fire Department

**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.