

SQUADRON DEVELOPMENT PARTNERS, LLC (C-793P)

bulk table is provided." The application submitted for the modifications did not contain any of the site plans requested previously. Without these plans it is impossible to determine if the bulk requirements of the western parcels will comply with the required yards, development coverage or floor area ratio. The requested plans must be submitted in order to have a complete application packet to review.

2 Section 290-7.1A.(3) states: "Properties that are developed for multifamily use at the time of adoption of this amendment are not eligible for redevelopment in the AAR Zone." The Town of Clarkstown must determine if the .56 acres from the adjacent western property, which is already part of a multi-family development, can be consolidated with the four parcels, since it is already developed according to the MF-3 zoning district.

3 Section 290-7.1A.(6) states: "Only parcels which are three acres or larger in net lot area, after deduction of areas with development limitations as per § 290-21D, shall be eligible for AAR Zone designation. Assemblage of properties or parcels not in the same ownership at the time of adoption of this section so as to meet minimum acreage requirements is prohibited." The Town of Clarkstown must determine if assembling the .56 acres from the adjacent western property is permitted.

4 No information has been provided regarding the number and type of bedroom units that are proposed. As required in Section 290-7.1B.(2)(g), information must be provided "as to the percentage, type, number of bedrooms and the location of affordable units."

5 Almost the entire site is located within the AE floodplain of the Demarest Kill. No updated information has been provided regarding the change of the floodplain area. The additional .56 acres that comprise part of the western parcel is also completely within the AE designated floodplain. The narrative provided by the applicant states that the application was to be submitted to FEMA on about June 2017. Until the application for a map revision is received from FEMA, it will be impossible for the Town of Clarkstown to determine if the lot area required for the AAR zoning designation complies. This determination must be received to proceed forward.

The following recommendations address our additional concerns about the requested modifications.

6 The unit calculations are based on the MF-3 zoning district standard of one unit per 2,400 square feet. This is the standard for efficiency apartment. Lower densities are required as the number of bedrooms increase. It is our understanding that the Town Board permitted this standard as the basis to be used for densities in the AAR floating zone. This must be confirmed. If this is not the case, then the number of units will have to be decreased, or all units will have to be efficiencies.

7 The designated floodplain administrator for the Town of Clarkstown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

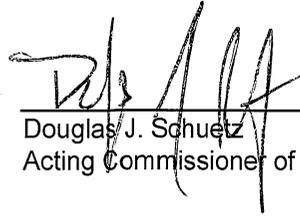
8 The conditions in the February 25, 2019 letter from the Rockland County Drainage Agency must be met.

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

10 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

11 The proposed zoning modifications are part of a proposed 102 unit senior housing development. All subsequent site plan reviews, variances, subdivision/lot line revisions and lot mergers must be sent to this department for review as required by New York State General Municipal Law Sections 239-l, m, and n. This includes a review of the site plan changes for parcel 43.11-2-1 (New City Garden Apartments).

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Drainage Agency
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Highways

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

Rockland County Planning Board Members

**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.

