



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 20, 2019

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: 12/21/2018

Date Review Received: 1/22/2019

Item: *VINCENT'S VILLAGE (FKA SISTERS OF CHARITY PHASE II) (C-524M)*

Site plan and special permit for the second phase of a proposed Senior Housing development located on 46 acres in the R-15 zoning district. Phase II will consist of three two-story buildings housing 81 one-bedroom units and 12 two-bedroom units, 120 parking spaces, of which 28 will be constructed at a later date dependent on the need, and a community building. The approval previously granted has lapsed. In addition, revisions have been made to the site plan, which include: a reduction in the number of buildings from five to three; and the community services building is noted to be constructed in the future (depending on whether there is sufficient funding).

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 No. 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 The comments and concerns in the January 25, 2019 letter from the Rockland County Highway Department must be addressed. In a telephone conversation on February 20, 2019 with staff at the Highway Department, clarification has been provided for item #3 in their letter. The removal of the stone wall is not mandatory, but it must be noted that since the wall is not structurally required, the Highway Department has the option as to whether or not to maintain the wall in the future if the wall becomes in disrepair (due to being hit in an accident, or for some other reason), but is not obligated to do so. If the Town or applicant wants to maintain the wall, or relocate it on their property, they can do so. All required permits must be obtained.

VINCENT'S VILLAGE (FKA SISTERS OF CHARITY PHASE II) (C-524M)

- 2 An updated review must be completed by the Rockland County Drainage Agency. In addition, the comments in the December 7, 2017 letter from them must be met.
- 3 An updated review must be completed by the Rockland County Department of Health.
- 4 An updated review must be completed by the Rockland County Sewer District No. 1. In addition, the comments in their October 11, 2017 letter must be addressed.
- 5 The comments in the October 24, 2017 letter from the Rockland County Department of Public Transportation must be addressed.
- 6 If there are any encroachments into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 7 The Town should determine if a few parking spaces should be provided to specifically serve the community services building, if and when it is constructed. These spaces could be designated as reserve, but their location should be specified on the plans.
- 8 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.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 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.
- 12 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.
- 13 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents, employees, and guests.



Douglas J. Schuetz
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

VINCENT'S VILLAGE (FKA SISTERS OF CHARITY PHASE II) (C-524M)

United States Army Corps of Engineers

Atzl, Nasher & Zigler P.C.

**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.

