

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 15, 2020

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 43.15-1-15

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 5/4/2020

Date Review Received: 6/30/2020

Item: *135 NORTH MAIN STREET (C-3657)*

Site plan for the construction of a 55,700 SF senior development consisting of two 2-story buildings located on 2.28 acres in the H-3 zoning district. Building A will contain 20 one-bedroom units and two two-bedroom units and Building B will contain 18 one-bedroom apartments, seven two-bedroom apartments, and one two-bedroom superintendent's unit. A total of 57 parking spaces are proposed, with 22 spaces located in the garage on the ground floor of Building A. Variances to permit two-bedroom apartments and for front yard are also required.

West side of North Main Street, opposite New City Gardens

Reason for Referral:

North Main Street (CR 29)

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***

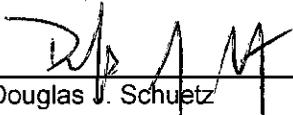
- 1 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 2 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.
- 4 The proposed apartment buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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- 5 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Clarkstown Fire Inspector, or the New City Fire Engine Company No. 1 to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 6 As this is new construction, the site should be designed in a manner that does not include two-bedroom apartments or require the need for the yard variance. A redesign of the site should be done to explore whether the front yard variance can be reduced or eliminated, if possible.
- 7 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 loss of available parking spaces meant to be used by residents.
- 8 The site plan indicates 54 parking spaces are required, with 57 spaces proposed. It must be clarified if the additional spaces are to be used as guest parking. If so, the Town must be satisfied that enough guest parking is being provided.
- 9 The parking garage floor plan shows what appears to be columns with a dashed area surrounding them. If this dashed area represents the base of the column, several parking spaces (spaces #5, #8, #13, and #22) may be too difficult for vehicles to maneuver into or out of. If the columns reduce the number of parking spaces provided, a new parking calculation must be done and a new parking layout may be required if less than the required number of spaces is provided. In addition, several spaces in the garage (#3, #5, #6, #7, #8, #10, #13, #15, #20, #22) may only be able to accommodate compact vehicles due to the location of the columns. If this is the case, signs must be included to indicate such.
- 10 Since this is a senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. The planning board must be assured that the design of the inner roadway can accommodate these vehicles and that there is sufficient room for a pick-up/drop-off area. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their service.
- 11 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 Standards for Urban Erosion and Sediment Control.
- 12 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 13 Sheets A102.00 and A103.00 of the floor plan indicate two staircases will be located in the hallways of the first and second floors of Building A. It must be clarified as to why these staircases are included in these locations, rather than a stairwell at the end of the hallway, such as in Building B. If the stairways are to remain where they are, the width of the hallway between them and the opposite wall must comply with ADA requirements.
- 14 Sheets A102.00 and A103.00 of the floor plan indicate Building A is to include balconies for some of the rooms. These balconies must be indicated on the site plan.
- 15 The unit breakdown on the site plan indicates nine two-bedroom units and one two-bedroom superintendent's unit are proposed with a note that a variance is required for the two-bedroom units. An asterisk should be placed that notes that the variance is not required for the superintendent's unit.
- 16 The project narrative indicates a gym and bowling alley are located within proximity to the site. An outdoor greenspace/recreational area should be included in the design to provide an on-site recreational amenity for residents.

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- 17 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.
- 18 The floor plans provided include two sheets labeled as A105.00. Both are named "BUILDING B: 2ND FLOOR PLAN", however one appears to be the floor plan for the first floor of Building B. This sheet should be labeled as A104.00 and renamed to "BUILDING B: 1ST FLOOR PLAN."
- 19 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 20 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 21 All proposed signage must be shown on the site plan, and conform to all Town requirements.
- 22 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 Health
Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Rockland County Department of Public Transportation

Atzl, Nasher & Zigler P.C.
New City Fire Engine Company No. 1

**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.

