

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 8, 2020

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 44.20-4-55

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

Map Date: 7/20/2020

Date Review Received: 8/21/2020

Item: *KENNELLY SQUARE (C-3055D)*

Site plan and special permit to allow the construction of a three-story senior housing apartment building located on 1.32 acres in the NS zoning district. Twenty-five single-bedroom units and one superintendents unit are proposed, with 29 parking spaces and 11 spaces in reserve.

West side of NYS Route 9W, approximately 250 feet south of Lake Road

Reason for Referral:

NYS Route 9W, Lake Road & Rockland Lake Road (CR 80), Rockland Lake State Park

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 By definition, special permit uses are subject to a higher standard of review. The project narrative includes a detailed discussion of the relevant special permit standards. The Town Board must be satisfied that this proposal meets the additional requirements, outlined in Section 290-7.4G(4).
- 2 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments addressed.
- 5 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

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7 The proposed senior housing development must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Clarkstown Fire Inspector, the Congers Fire Department, or the Rockland Lake Fire Department to ensure that there is sufficient maneuverability on-site for emergency vehicles.

9 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 a designated area for pick-up/drop-off to be provided. 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.

10 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.

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

12 It must be clarified if the 10 foot side and rear buffers are to remain undisturbed since regrading is proposed up to the property line.

13 The existing well must be properly decommissioned prior to its removal. The Rockland County Department of Health must be notified of the intent to decommission the well, and monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them.

14 The existing septic tank must be properly decommissioned prior to its removal. All required permits must be obtained from the Rockland County Sewer District No. 1 prior to its removal.

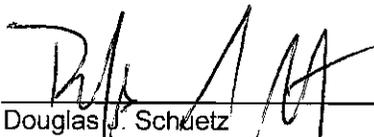
15 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and 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.

16 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.

17 Drawing S-11 only partially illustrates the box truck and tower truck circulation plans. The entire circulation for the parking area must be provided for the box truck, since a portion is missing. The tower truck plan is missing the turning movements at the southeastern portion of the parking lot. Since it appears that this specific turn may be difficult, it must be completely shown on the plans to verify that sufficient room is available for the movements.

18 All proposed signage must be shown on the site plan, and conform to all Town requirements.

19 Map Note #3 on the site plan indicates the property receives water service from United Water. The Note must be corrected to Suez.



Douglas J. Schietz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Transportation

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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
Palisades Interstate Park Commission

John D. Fuller, P.E., P.C.
Congers Fire Department
Rockland Lake 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.