

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 1, 2017

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.10-1-2

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

Map Date: 1/24/2017

Date Review Received: 1/26/2017

Item: *MONTEBELLO CROSSINGS (M-31K)*

Site plan for a unified development consisting of a 200-bed assisted living residence, a 10,000 SF office building and a 14,600 SF CVS pharmacy on 11.07 acres in the Route 59 Development District. The property will be subdivided into three lots with each use on its own separate parcel.

North side of Route 59, approximately 270 feet west of the intersection of Hemion Road

Reason for Referral:

NYS Route 59, Hemion Road (CR 93), Town of Ramapo, Village of Suffern

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***

In August of 2016, this department issued comments on a proposed zoning code amendment to allow assisted living residences in the Route 59 Development District. It is our understanding that the Village Board will not adopt the zoning code amendment until the Planning Board evaluates the proposal. As indicated in our August 9, 2016 GML review, we concur that assisted living residences are an appropriate land use option in this zone. Given the proximity of the site to Good Samaritan Hospital, the proposed medical office building, pharmacy and assisted living residence will create a unified development of complimentary uses that will also enhance the hospital's mission. We offer the following recommendations on the proposed subdivision and preliminary site plan.

1 The preliminary site plan for Montebello Crossing, as well as the proposed traffic light, must be reviewed by the New York State Department of Transportation. All required permits must be obtained.

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2 A review must be completed by the Rockland County Highway Department and all required permits obtained.

3 The Town of Ramapo and the Village of Suffern are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along Route 59, approximately 285 feet east of the site; the Suffern municipal boundary runs through the northwest corner of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of Suffern must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo and the Village of Suffern must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 A site plan review must be completed by the Village of Suffern, and all required approvals obtained, since the northwest corner of the site is located within that municipality.

5 The applicant must satisfactorily comply with the conditions of the Rockland County Health Department's letter of February 1, 2017.

6 The applicant must satisfactorily comply with the conditions of the Rockland County Sewer District # 1's letter of January 3, 2017.

7 The proposed Assisted Living Residence, medical office and CVS buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 A review of the January 24, 2017 site plan and fire truck maneuvering plans must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Montebello Fire Inspector, or the Tallman Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 A review of the January 24, 2017 site plan and fire truck maneuvering plans must be completed by the Rockland County Department of Public Transportation to ensure that there is sufficient maneuverability on site for their paratransit vehicles.

10 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.

11 The conservation easement areas shown along the southern and western property lines must be clearly marked in the field to ensure that they are not disturbed during construction.

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- 12 All cross-easements required for access and utilities must be shown on the subdivision plat and recorded on the deeds for each property.
- 13 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 14 A landscaping plan that meets all Village requirements shall be provided.
- 15 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 16 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 17 Prior to the start of 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 Guidelines for Urban Erosion and Sediment Control.
- 18 As noted in our August 9, 2016 GML review, the signage requirements proposed in the local law are more liberal than those contained in Chapter 143 of the Village Code. Generally, this department is not in favor of variances from a municipality's sign standards and discourages a proliferation of oversized signs, particularly on state and county roads. Appropriate size and setback standards ensure that the safe and efficient flow of traffic is not negatively affected by distracting signs. While we recognize the need to identify the three uses proposed on this site, we caution the Village to evaluate whether the number and size of the signs proposed are appropriate. We also recommend that one of the pylon signs on either side of the western driveway be eliminated.
- 19 In Section 4 of the proposed local law submitted to this department as part of the June 30, 2016 GML referral, the front yard requirement for Use Group N was listed as 20 feet while the street frontage requirement was 33 feet. In subsequent redlined versions of the local law, a 50-foot front yard and a 150-foot street frontage requirement were indicated. A supplemental narrative dated August 4, 2016 specified a 20-foot front yard and a 33-foot street frontage requirement. Several of the bulk requirements for Use Group N were different from those shown on the bulk table on the May 27, 2016 Montebello Crossing site plan. Clarification must be provided as to the bulk requirements for Assisted Living Residences, especially with regard to front yard and street frontage.
- 20 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District

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Rockland County Drainage Agency
New York State Department of Environmental Conservation
Rockland County Department of Public Transportation

Brooker Engineering, PLLC
Town of Ramapo, Village of Suffern

Montebello Crossing LLC

**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.