

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 19, 2018

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 55.08-1-9

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

Map Date: 9/14/2018

Date Review Received: 9/19/2018

Item: *THE SENTINEL - 200 RELLA BOULEVARD (M-23G)*

A site plan/special permit application to construct a 200 bed Assisted Living Residence of approximately 100,000 square feet on 6.36 acres in the LO-C zoning district. 61 parking spaces are proposed to be constructed, with an additional 39 spaces held in reserve.

The southeastern corner of Rella Boulevard and North Airmont Road.

Reason for Referral:

Town of Ramapo, NYS Thruway (I-87/287), Montebello Road (CR 64), North Airmont Road (CR 64/89)

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 applicant must comply with all comments made by the Rockland County Highway Department in their letter of September 21, 2018.
- 2 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of September 21, 2018.
- 3 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 4 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 5 Since residents are likely to use the TRIPS bus service, a review must be completed by the Rockland County Department of Public Transportation and any comments or concerns addressed.
- 6 The height clearance of the Port Cochere must be at least 11 feet in order to accommodate TRIPS buses.

THE SENTINEL - 200 RELLA BOULEVARD (M-23G)

7 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 280 feet south of the parcel. 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 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 A review 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 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.

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

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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

12 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

13 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.

14 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, visitors and employees for this purpose.

15 The landscaping plan must be supplemented by a berm or low evergreen shrubs to shield the headlights of vehicles parked in the spaces that face Rella Boulevard.

THE SENTINEL - 200 RELLA BOULEVARD (M-23G)

16 The Village shall be satisfied that the proposed Assisted Living Residence complies with the general standards for special permit uses outlined in Section 195-715, as well as the individual standards and requirements for this specific use listed in Section 195-87.1

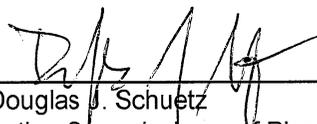
17 All proposed signage shall be indicated on the site plan and shall conform to the Village's sign standards.

18 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.

19 The vicinity map shall include a north arrow and scale.

20 The site plan and narrative indicate that the applicant is requesting a reduction of the required number of parking spaces, as permitted by Section 195-87.1.E of the Village zoning regulations. This section, however, also requires the applicant to demonstrate that the number of spaces provided exceeds the peak-hour requirement. The applicant must provide additional information to demonstrate that the proposed 61 parking spaces exceed the peak-hour demand. In general, Assisted Living facilities have little to no parking demand from residents. Peak parking demand usually occurs around the time at which one employee shift ends and the next shift begins, when employees of the upcoming shift begin to arrive but before employees of the current shift leave. Parking demand from visitors also tends to spike during holidays. Information regarding the number of employees per shift and anticipated holiday visitors must be provided and considered when determining if the reduction in parking spaces is feasible.

21 The proposed curb cuts are not aligned with breaks in the existing median along Rella Boulevard. Vehicles will be forced to turn right and either make a U-turn or use the roundabout to the east to exit the property. In its evaluation of the proposal's impact on traffic patterns, the Village must consider relocating the curb cuts to align with the breaks in the median in order to allow vehicles to turn left when exiting the property. The Village must also consider the potential traffic generated by the future development of the two currently undeveloped parcels on the northern side of Rella Boulevard in its evaluation.



Douglas J. Schuetz
Acting Commissioner of Planning

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

- Civil Design Works LLC
- Town of Ramapo Planning Board

**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.*

THE SENTINEL - 200 RELLA BOULEVARD (M-23G)

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.