Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

June 3, 2020

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: 4/16/2020 **Date Review Received:** 5/11/2020

Item: ***MONTEBELLO CROSSING (M-31N)***

A site plan application for a mixed-use development consisting of a 200-bed assisted living facility, a 10,000 SF office building, and a 14,698 SF retail 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 Lafayette Avenue (NYS Route 59), approximately 270 feet west of Hemion Road.

Reason for Referral:

Lafayette Avenue (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**

1 An updated review of the April 16, 2020 site plan must be completed by the New York State Department of Transportation, and all required permits obtained.

2 The applicant must comply with the conditions of the Rockland County Highway Department's letter of May 26, 2020.

3 An updated review of the April 16, 2020 site plan must be completed by the Rockland County Health Department. In addition, the applicant must satisfactorily comply with the conditions of the Health Department's letter of August 23, 2017.

4 An updated review of the April 16, 2020 site plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must satisfactorily comply with the conditions of the Sewer District's letter of August 23, 2017.

MONTEBELLO CROSSING (M-31N)

5 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.

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

7 An updated review of the April 16, 2020 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.

8 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.

9 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

10 An updated review of the April 16, 2020 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. In addition, the applicant must comply with the Department of Public Transportation's letter of November 13, 2017.

11 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.

12 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.

13 The lighting plan provided indicates there are fields of illumination in excess of 0.1 lumens at the property line. The lighting plan must be adjusted to reduce the intensity of the candle-lumens to less than 0.1 at the property line.

14 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.

15 All cross-easements required for access and utilities must be shown on the subdivision plat and recorded on the deeds for each property.

MONTEBELLO CROSSING (M-31N)

16 Snow removal and the resultant snow piles are a critical maintenance consideration for shopping centers during the winter months. We recommend that specific areas be designated for removed snow. This will ensure that large piles of snow are not deposited at the end of parking aisles impeding visibility nor occupying needed parking spaces. The landscaped islands should also be avoided to protect the proposed vegetation from damage due to the weight of the snow and salt intrusion.

17 It will be difficult for sanitation workers to access the garbage enclosure serving the medical office building if vehicles are parked in the catty corner spaces in the northwest section of the parking area. The location of the garbage enclosure serving the assisted living residence is also a concern as sanitation workers will have to use a sidewalk to remove the trash, potentially impeding pedestrian access. The garbage enclosures must be moved to more accessible locations.

18 The wetland areas shown on the subdivision plat (Drawing No. 2) and site plan (Drawing No. 3) are not labeled as New York State (NYS) or Federal wetlands. The wetland jurisdiction must be specified. If they are State wetlands, the site plan and subdivision must be reviewed by the NYS Department of Environmental Conservation, and any required permits obtained. If they are Federal wetlands, a review must be completed by the United States Army Corps of Engineers, and all required permits obtained. Local wetlands will only be subject to the Village's regulations.

19 A review must be completed by Consolidated Rail Corporation since drainage is being directed toward their property in two locations. Any concerns must be satisfactorily addressed.

20 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. All major subdivisions, i.e., those with three or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

21 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.

22 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.

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

24 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.

25 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.

MONTEBELLO CROSSING (M-31N)

26 As noted in our August 9, 2016, March 1, 2017, June 29, 2017 and September 19, 2017 GML reviews, the Route 59 Development District signage requirements 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 two signs on either side of the western driveway be eliminated.

27 The .28 acres in the northwest corner of the site are located in the Village of Suffern (55.38-1-1) and zoned PO-40. This land area is not mentioned in some of the application materials, but is shown on the site plan. Given that the .28 acres is part of the site, this parcel must be included on the GML referral and application forms. As noted above, a review must be undertaken by the Village of Suffern.

28 Any variances required for this proposal are subject to a review by this Department, as mandated by the New York State General Municipal Law.

29 Standard Notes 14 and 15 on the Title Sheet are repetitive. Note 14 shall be eliminated.

30 The GML referral form includes the tax lot identification numbers for the subject parcel and the adjacent Hemion Holdings site, as does the Montebello Crossing application review form. While some interconnectivity is proposed between the two parcels, this department will review and comment on each site plan individually. To avoid confusion, we request that separate GML referrals be submitted for each property.

31 The GML referral form includes an incorrect map revision date. The drawings submitted to this department were last revised on April 16, 2020. All application materials must be consistent. The GML referral form must be corrected.

32 The Full Environmental Assessment Form (FEAF) submitted with this GML referral is not the revised version referenced in Brooker Engineering's April 16, 2020 letter to the Community Design Review Committee. It is dated March 19, 2020 and does not include the additions and edits suggested by the Village's Planning Consultant. The revised FEAF must be submitted for our review.

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
Rockland County Department of Public Transportation
Rockland County Drainage Agency
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Consolidated Rail Corporation

Brooker Engineering, PLLC
Town of Ramapo, Village of Suffern

MONTEBELLO CROSSING (M-31N)

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.