

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 7, 2016

New Hempstead Village Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 42.09-2-12

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

Map Date: 2/1/2016

Date Review Received: 2/8/2016

Item: *VISIONS VOCATIONAL REHABILITATION CENTER (NH-120A)*

Site plan for a two-story, 16,062 SF residential training center on the 36.87-acre campus of an existing non-profit rehabilitation and social services organization for the blind and visually impaired. The site is located in a 1R-50 zoning district. The net lot area is 24.55 acres.

South and west sides of Summit Park Road; south side of Sandy Brook Drive approximately 200 feet east of Kingston Drive

Reason for Referral:

Town of Ramapo, Sanatorium Road (CR 51), Dr. Robert Yeager Health Center, Federal wetlands

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***

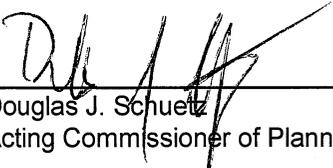
1 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along a portion of the southeastern property line of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring 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 must be given the opportunity to review the proposal and its impact on

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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.

- 2 The applicant must comply with the Rockland County Health Department's letter of February 10, 2016.
- 3 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 A review must be completed by the Rockland County Department of General Services, Division of Facilities Management, and any concerns addressed.
- 5 An updated review of the February 1, 2016 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's letter of January 25, 2016
- 6 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 7 The proposed residential training center must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 A review of the Emergency Access Vehicle Maneuvers drawing must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Hillcrest Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Fred Brinn, New Hempstead
Rockland County Department of Highways
Rockland County Department of General Services
Division of Facilities Management
Rockland County Department of Health

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Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State,
Division of Code Enforcement & Administration
Hillcrest Fire District
United States Army Corps of Engineers
McLaren Engineering Group
Town of Ramapo

Nancy Miller, CEO

**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.

