

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
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October 13, 2020

Nyack Planning Board
9 North Broadway
Nyack, NY 10960

Tax Data: 66.21-1-74
66.21-1-71

66.21-1-73

66.21-1-72

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/21/2020

Date Review Received: 9/29/2020

Item: *NYACK HOSPITAL (N-56N)*

Site plan for the construction of a four-level, 29,350 SF parking structure, with parking on the structure roof, for a total capacity of 482 spaces. The site is located on 7.99 acres in the H zoning district. Other proposed additions include an elevator and stair access to all levels of the structure and connectivity to the hospital; an enclosed pedestrian bridge to connect the parking structure and hospital; a new patient drop-off and pick-up canopy and enclosed vestibule providing access to the main lobby; site improvements including an expanded drop-off roundabout, multi-vehicle ingress and egress lanes, and improved surface parking; and improved and distributed handicapped accessible parking, handicapped accessible routes, and supporting accessible site features.

East side of North Highland Avenue, north side of Sickles Avenue, west side of North Midland Avenue, south side of Fifth Street

Reason for Referral:

North Highland Avenue (U.S. Route 9W)

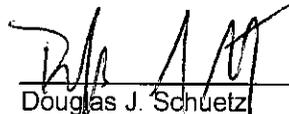
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 As per their letter of July 3, 2020, application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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- 3 The Fire Truck Turning Plan indicates two locations in the southeastern portion and one location in the southwestern portion on the periphery of the proposed parking garage where the fire truck will encroach into multiple parking space while making a turn. These parking areas must either be redesigned to eliminate this encroachment, or designated for compact cars only. If they are designated for compact cars only, it must be demonstrated that these spaces will not be encroached upon by the fire truck turning movements.
- 4 The Fire Truck Turning Plan must be updated to show how a fire truck will access the fire lane just north of the parking garage.
- 5 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.
- 6 The Roof Plan of the Parking Structure Plan does not illustrate the two staircases or the elevator. It shall be clarified if they extend to the roof, and be shown on the plans. If they stop at the floor below, it must be explained how pedestrians will be able to access the lower levels from the roof.
- 7 The southwest portion of the parking area has been modified based on a comment from our June 23, 2020 letter detailing the difficulty vehicles may have when maneuvering out of the parking spaces in this area without a turnaround area. However, a vehicle in the one parking space and the southwestern most space will still have difficulty maneuvering out of these spaces. The parking space north of the secondary snow storage location will also have sight issues due to its location in relation to the building. This space must be relocated to a safer area, and the space left to be used as a turnaround area for the other areas to ensure vehicles may safely maneuver around the site.
- 8 The response letter from Langan, dated August 21, 2020, refers to a letter from Pomarico Design Studio with a date that is August 21, 2020. Our department has received a letter from Pomarico Design Studio that is dated August 25, 2020. As these two letters reference each other, this discrepancy must be corrected. If the Pomarico Design Studio letter was altered after August 21, the Langan letter shall updated to note the most recent date.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Donald N. Hammond, Nyack
New York State Department of Transportation
Nyack Fire District
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Langan Engineering

**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.

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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.