



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 12, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.05-1-53

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

Map Date: 11/8/2013

Date Review Received: 11/22/2013

Item: *THE HOLLOWS AT BLUE HILL - RECREATION AREA (O-1205EE)*

Site plan for the proposed recreational facilities (swimming pool, tennis court, putting green, bocce court, and playground) for an alternative living facility complex on 31.38 acres in the OP/PAC zoning districts.

South side of Gilbert Avenue, northeast side of Veterans Memorial Drive

Reason for Referral:

Gilbert Avenue (CR 26), Veterans memorial Drive (CR 20)

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 must be completed by the County of Rockland Department of Highways and all required permits obtained.

2 The comments contained in the November 26, 2013 letter from the Rockland County Department of Health must be met.

3 A review shall be completed by the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers, and any required permits obtained, especially since a drainage retention basin and walks are proposed within the wetland area. In addition, all proposed increases in drainage flow going into the wetland area must be reviewed and approved by them.

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- 4 Two trees are shown to remain along the 6' wide walkway leading to the pool from the driveway. Given that the grading is proposed to change by at least six feet, it seems unlikely that these two trees will survive. In addition, a tree is still being shown to remain within this walkway leading to the pool, as well as within the walkway intersection leading from the pool to the housing units and putting green. These trees should instead all be shown to be removed.
- 5 The tree locations are only shown near the proposed recreational amenities. No trees are identified in the areas where the proposed walks are located leading from the pool to the putting green or residences. Since this area is heavily treed, it seems likely that other trees will need to be removed in order to install the proposed walks. All trees must be depicted, and the locations of those to be removed must be identified.
- 6 The applicant has now provided a parking area so that residents can drive to use these recreational amenities. However, no turnaround area is provided for this access and parking area. If all spaces are full, a vehicle will have difficulty turning around, and might have to instead back out into the County highway. To avoid vehicles having to back out, or maneuvering with difficulty to exit the parking area, a vehicle turnaround must be provided.
- 7 The proposed walks leading from the putting green and residences seems to enter the pool area right at the pool equipment, leaving only about a 3' area to walk between the fence and pool equipment. Either the pool equipment area or the walk entrance into the pool area must be relocated so that the pedestrians will not have to squeeze into this area for access.
- 8 The walkway from the parking area to the proposed pool requires the users to walk along the driveway area before they can access the sidewalk. Either a sidewalk must be provided along the driveway, or this proposed walkway access relocated so that it is closer to the parking spaces.
- 9 No walkway is proposed from the tennis court to any other recreational amenity. The residents could benefit from having a walkway installed connecting the tennis court to the walk which traverses between the putting green and the proposed pool.
- 10 No fence is shown around the perimeter of the tennis court. A fence would be beneficial to the players so that errant balls do not enter into the periphery area, especially since steep grading is being proposed.
- 11 A landscaping plan shall be submitted for our review. Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.
- 12 A lighting plan shall be submitted for our review. Fields of illumination must be provided and demonstrate that no lighting shall shine into the County right-of-way.
- 13 All proposed signage, if any, shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 14 Trees to be preserved must be clearly identified in the field prior to any construction or grading. No regrading should occur within the "drip zone" area of the tree in order to ensure the preservation of the existing trees and their root system.
- 15 Since extensive regrading is being proposed directly adjacent to the wetland area, all sloped areas must be fully re-established before the silt fencing is removed, to ensure that soil erosion does not occur.

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16 Is regrading being proposed in the areas where the walks are being located? If so, then erosion control measures must also be installed along these areas to ensure that soil erosion does not occur.

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

19 Map Note #9 under the General Notes section, states "...construction shall comply with the Town of Pearl River and/or..." This must be corrected to state "Town of Orangetown."



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Ahneman Kirby, 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.

