COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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July 21, 2015

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.15-1-10

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

Map Date: 6/8/2015 **Date Review Received:** 6/17/2015

Item: ***BRIGHTVIEW SENIOR LIVING LAKE TAPPAN (O-1870E)***

Site plan for the proposed construction of a three-story, 140-unit (69 independent living units, 45 assisted living units, and 26 memory care units) long-term care facility located on 5.1 acres in the R-80 zoning district. A special permit will be required from the Orangetown Zoning Board of Appeals for the proposed use, as well as for the required variances needed to implement the site plan.
West side of Hunt Road, approximately 75 feet south of Veterans Memorial Drive

Reason for Referral:

Veterans Memorial Drive/Orangeburg Road (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:

***Disapprove**

We are not opposed to the proposed type of use for the site. However, the Town of Orangetown Zoning Ordinance permits this use as a special permit use, and requires specific bulk standards, particularly when adjacent to residential zones. Special permit uses, are by definition, subject to a higher standard of review than as-of-right uses. The proposed long-term care facility requires numerous variances in order to be constructed as planned. The floor area ratio permitted is .10 yet, .67 is proposed; resulting in a proposal that is 570% over what is allowed in the zoning ordinance. In addition, the front, side and rear yards are all required to be 300 feet, and only 67 feet, 46 feet, and 24 feet respectively are being proposed. The yard variances range from being 78% to 92% deficient. These bulk variances are significant and indicate that the proposal is over-sized for the site, and not in keeping with the intent that the Town of Orangetown had for this use. The proposal must be scaled back so that the extent of the variances can be reduced.

We offer the following additional comments on this site plan proposal:

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1 The comments and conditions in the two July 15, 2015 letters (Brightview Senior Living Lake Tappan and American Legion Parking) from the County of Rockland Department of Highways must be met. A work permit must be obtained prior to any construction work is done on site.

2 A review shall be done by the Rockland County Department of Public Transportation to determine that there is sufficient maneuverability on site for them to pick-up or discharge residents who might want to use the service. In addition, a minimum height of 11 feet must be provided under the portico to ensure that there is sufficient height for the TRIPS buses to serve the facility.

3 The comments in the June 22, 2015 letters from the Rockland County Department of Health must be met (Brightview Senior Living Lake Tappan & American Legion Parking).

4 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. 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.

5 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.

6 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.

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

8 A review must be completed by the local fire department and the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on-site for emergency vehicles.

9 Plans illustrating turning movements for fire apparatus must be provided. It must be demonstrated that there is sufficient maneuverability on site.

10 Parking calculations must be provided on the site plan. Based on the minimum off-street parking requirement of one space needed for each bed, plus one space per 250 square feet of outpatient area, it seems that the 92 spaces proposed is deficient. It must also be determined if the four handicapped parking spaces are sufficient to serve this complex.

11 As required in Section 6.52, any part of any off-street parking area with five or more spaces and any loading berth located in or within 50 feet of any R District or R District use shall have a screen between the same and all lots within such R District, including those, if any, located across a residential street. The Planning Board must determine if the proposed landscaping is sufficient to provide this screening.

12 Areas dedicated for snow piles 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 landscaping, located throughout the site, from being broken from the weight of the snow and from causing salt intrusion to the plants. This is particularly important if there is an inadequate amount of parking proposed for the use.

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13 Currently tax parcel 73.15-1-1 gets its access by the driveway serving the ball fields from Hunt Road. It is not clear if the unpaved driveway serving this parcel will still have access from the proposed cul-de-sac. To avoid land locking this parcel, a driveway access must still be available from the proposed paved cul-de-sac.

14 The proposed monument sign is shown to be located within the right-of-way of the road, and not on the applicant's property. The sign must be relocated so that it is located completely on site. In addition, the sign must meet all of the Town of Orangetown's standards for signs, including sign area, setbacks, height, etc. Details must be provided regarding the proposed sign.

15 Backup generators should be provided for the proposed long-term care facility so that in the event of power outages due to storm-related incidents or other events, the residents will still have electricity. The location(s) of where the generators will be located must be designated on the site plan.

16 The plantings on the landscaping plan must be labeled so that the specific types of species proposed can be determined. Evergreen shrubs must be planted along the parking spaces facing the ball fields on the adjacent property as well, to eliminate headlights of parked cars from shining into the ball fields during play time at night.

17 A lighting plan must be provided that show fields of illumination. Since the proposal is closer than the required 300 feet to a residential use, it must be demonstrated that no glare of lights will shine into or towards the contiguous residential lots, as required in Section 6.52 of the Town's Zoning Ordinance.

18 The Table of Land Use on Drawing No. SP-1 indicates that the proposed front yard is 67 feet. The measurement shown on Drawing No. PSP-3 shows that it is 68 feet. The incorrect measurement must be corrected on the plans.

19 A separate site plan must be provided for the proposed parking lot extension for tax parcel #73.15-1-2.

20 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.

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Department of Public Transportation
JMC
Donald Brenner

Rockland County Planning Board Members

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.