

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 23, 2016

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: 2/18/2016

Date Review Received: 2/22/2016

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

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. The requested variances have all been granted.

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:

****Recommend the following modifications***

We initially disapproved the proposed site plan given the magnitude of the variances required to implement the plan as designed. Since our initial review, the Orangetown Zoning Board of Appeals has reviewed and granted all of the needed variances. Given that the variances have been granted, we are now approving the site plan with the following modifications:

- 1 The comments in the March 23, 2016 letter from the County of Rockland Department of Highways must be met. All required permits must be obtained. In addition, the comments in the October 21, 2015 letter must be met.
- 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.

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3 The comments in the February 26, 2016 letter from the Rockland County Department of Health must be met.

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 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.

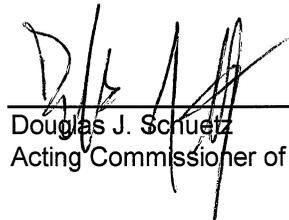
8 As required in Section 6.52, any part of any off-street parking area with five or more spaces and any loading berth located in or within 50 feet of any R District or R District use shall have a screen between the same and all lots within such R District, including those, if any, located across a residential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

9 Since a portion of the parking area serving the proposed senior living facility is located on tax parcel 73.15-1-2, a cross access and parking easement area must be provided.

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

11 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.

12 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
MJC Planning, Engineering, Landscape
Architecture & Land Surveying, LLC

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**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.