



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 27, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 73.10-1-5

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

Map Date: 11/13/2019

Date Review Received: 12/3/2019

Item: *THE CLUB WEST AT PEARL RIVER - PHASE II (O-1856EE)*

Site plan for the proposed construction of Phase II consisting of a 104-unit senior living development (20 single units and 84 double units). Four residential building and one clubhouse building, with associated parking, driveways, and landscaped areas are proposed. The parcel is located on 25.87 acres in the OP and PAC (floating) zoning districts. Variances for number of stories and unit density were previously granted.

South side of Veterans Memorial Drive, east side of Blue Hill Plaza, just east of Kevin Reilly Street

Reason for Referral:

Veterans Memorial Drive (CR 20), 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 main access into the site appears to be over tax lot 73.10-1-6. No access easement is indicated on the site plan. An access easement must be provided for tax lot 73.10-1-5 over tax lot 73.10-1-6. This easement must be recorded in the deed as well.
- 2 The site is located on relatively steep topography. Extensive regrading must be done in order to implement the proposed development design. To limit the extent of soil erosion, 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 Guidelines for Urban Erosion and Sediment Control.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.

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- 5 As indicated above, the site is comprised of relatively steep slopes, especially for a senior housing development. The site topography changes over 100 feet in grade from the entrance to the 152-foot contour along the south and eastern portion of the regraded area of the site. Stairs are included in the design to access between the lower and upper levels of the site. Elevation changes from the southern buildings to the northern buildings are as great as 20 feet. No handicapped ramps are included in the design, making it difficult for those seniors with mobility issues to access different sections of the site. A design that provides accessibility to all seniors must be provided.
- 6 The clubhouse and pool are not centrally located, but rather at the northeastern edge of the developed portion of the site. As previously indicated, access to these facilities may be challenging to residents that are not mobile. The Town must be satisfied that the 14 parking spaces in closest proximity to the recreational facilities and clubhouse are adequate to serve the residents of the community.
- 7 The numbers that appear along the western side of each building appear to indicate the number of parking spaces that are located there. However, no lines are drawn to show the parking spaces. These lines must be included on the site plan so that the number of parking spaces can be confirmed.
- 8 The three parking spaces at the southern end of Building 3 may conflict with the dumpster enclosure. In addition, the tight turn in the driveway design may result in visibility issues for vehicles backing out of these parking spaces. This drive and parking area must be reconfigured to provide a safer design.
- 9 To ensure that the existing forested area to remain is left undisturbed, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance of the site. Soils outside the construction envelope shall not be disturbed.
- 10 The elevations for the top and bottom of all retaining walls must be provided; only measurements are provided for the long wall proposed along the southeastern portion of the site. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 11 An updated review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
- 12 A review must be completed by the Rockland County Office of Fire & Emergency Services, Pearl River Fire District, or the Orangetown Fire Inspector to ensure that access to the site is possible for all fire equipment. We are particularly concerned with access via the emergency road, the turning radius located in the southwestern portion of the ring road, and access to the rear of the southern buildings.
- 13 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.
- 14 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 15 The maps indicate that the buildings are 2-stories while the bulk table indicates they are 3-stories. The third story may include a walk-out basement. It must be clarified what comprises the third story. All materials must be consistent.

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16 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.

17 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.

18 Areas dedicated for snow removal 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 from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designating specific locations on the site for the snow piles will eliminate the loss of parking spaces meant for the residents and guests of the senior housing complex.

19 Since this is a senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. Given that the site is steep, door to door service would be more ideal than a designated bus stop. The planning board must be assured that the design of the inner roadway can accommodate these vehicles. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their service.

20 A Full Environmental Assessment Form, dated June 22, 2018, was previously submitted for this project. In our review of the parcel on May 2, 2019, we raised issues regarding the completed FEAF. As we have not received an updated FEAF, we do not know if these issues have already been addressed. Our concerns are as follows:

A) When the parcel was reviewed for the zone change, we raised in our July 23, 2018 letter that the Rockland County Highway Department must be listed as an interested agency since the site is directly on a County highway. Page 2 of 13 of the Full Environmental Assessment Form still does not list the Rockland County Highway Department as a County agency in which approval or permits are required. This Form must be updated to reflect such.

B) Question C.2. on the FEAF indicates that there is no town comprehensive plan which includes the site in question. The Town adopted a comprehensive plan in May 2003 entitled "Town of Orangetown Comprehensive Plan." Page III-3 identifies this area, indicating that "future development in this area could include office uses or other compatible land uses in an open space setting." Further within the document is Table III-1, which provides a listing of properties that the town should pursue for open space preservation, and includes tax parcel 73.10-1-5. Therefore, the answers to C.2. must be changed to yes in the FEAF. A comprehensive plan update may also be required if this parcel is rezoned.

C) Question D.2.c. of the FEAF lists Orangetown as the name of the district or service area for the water company. This should be Suez instead.

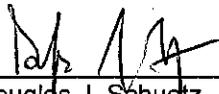
D) Question E.2.i. lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."

E) The Palisades Interstate Parkway has been designated as a Scenic Byway in New York, and as a National Landmark by the National Park Service. Section E.3.h. on Page 13 of 13 of the Full Environmental Assessment Form must be updated to reflect that the site is within five miles of an officially designated federal and state scenic or aesthetic resource.

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21 It is not indicated in the documents provided with the application if the units will be rentals or owner-occupied. If the units are to be rented to the residents, then pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

22 The site plan must include standard notes, including district information.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
United States Army Corps of Engineers
Rockland County Department of Public Transportation

John Meyer Consulting
Donald Brenner

**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.