



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 7, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 42.15-2-33

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

Map Date: 10/14/2013

Date Review Received: 2/4/2014

Item: *FRIEDWALD HOUSE (R-1875H)*

Revised site plan for an existing rehabilitation and nursing center with a dialysis unit on 5.05 acres in an R-35 zoning district. Proposed site improvements include a new traffic circle for ambulance and passenger vehicles, increased driveway aisle width, re-stripped parking, belgium block curbing at the entrance and perimeter of all parking areas, pervious paver sidewalks and pavement, ornamental retaining walls and landscaping enhancements.

South side of New Hempstead Road, 500 feet east of Route 45

Reason for Referral:

New Hempstead Road (CR 80), NYS Route 45, Villages of New Hempstead and New Square

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 County of Rockland Department of Highways and all required permits obtained.

2 In our September 6, 2011 GML review of the site plan for the addition of the renal dialysis unit, we questioned whether there was a specific parking standard for this use. We noted that typically an on-site parking calculation is a function of the square footage devoted to a particular use, as well as staffing considerations. A review of the American Planning Association's November 2002 Parking Standards Study indicates a range of one space per 150 square feet to one space per 300 square feet for similar uses. Using the minimum standard of one space per 300 square feet, at least 12 spaces are required for this 3,727 square foot facility. The Town must be satisfied that the nine parking spaces dedicated to this use are sufficient, and that the 35 additional spaces can meet any overflow needs of both the rehabilitation/nursing center and the dialysis unit.

FRIEDWALD HOUSE (R-1875H)

- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 10, 2014.
- 4 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 5 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.
- 6 The Villages of New Hempstead and New Square are two of the reasons this proposal was referred to this department for review. The New Hempstead municipal boundary is along Old Schoolhouse Road, approximately 385 feet west of the site. The New Square municipal boundary is 365 feet south of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Villages of New Hempstead and New Square must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of New Hempstead and New Square must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town fire inspector and the Hillcrest Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 8 While the use of pervious pavers will reduce the effective development coverage on this site, they will require regular maintenance to ensure their continued performance. The proposed maintenance plan must be addressed in the project narrative and the map notes.
- 9 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.
- 10 All proposed signage shall conform to the municipality's sign standards.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services

FRIEDWALD HOUSE (R-1875H)

Sparaco & Youngblood, PLLC
Villages of New Hempstead and New Square
Hillcrest Fire District

Friedwald House

**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.

