

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 9, 2020

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 38.17-1-2

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

Map Date: 1/30/2020

Date Review Received: 6/16/2020

Item: SAINT JOSEPH'S HOME/BUILDING ADDITION & RENOVATION (R-2260B)

Site plan to expand an existing group care facility on 181.87 acres in an RR-80 zoning district. A 19,700 SF, 24-bedroom addition is proposed as part of Phase 1. A 400 SF Pump House will also be constructed during this phase. A 1,500 SF dining room will be added in Phase 2. A detached, 3,700 SF, 5-bedroom residential house will be constructed in Phase 3.

South end of Sisters Servants Lane, approximately 20,000 feet south of Eagle Valley Road; north side of Ringwood, NJ; southeast side of Town of Tuxedo, Orange County, NY; east side of Shepherds Pond Road

Reason for Referral:

Town of Tuxedo, Orange County, NY

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***

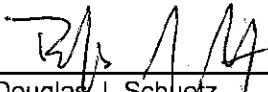
- 1 The Town of Tuxedo in Orange County is the reason this proposal was referred to this department for review. The municipal boundary for Tuxedo is along the northwestern property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Tuxedo must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Ramapo.
- 2 An updated review of the January 30, 2020 site plan must be completed by the Rockland County Sewer District No. 1. In addition, the comments in the Sewer District's October 9, 2018 letter must be satisfactorily addressed.
- 3 An updated review of the January 30, 2020 site plan must be completed by the Rockland County Health Department. In addition, the comments in the Health Department's October 10, 2018 letter must be satisfactorily addressed.

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- 4 The Parking Table on Drawing C-200 specifies that 46 on-site parking spaces are required as per the Zoning Code. The "Actual Calculated Parking Needed" is indicated as 13 spaces, and the "Actual Anticipated Parking Needs" are 11 spaces. Since only eighteen on-site parking spaces are provided, a variance of almost 61 percent is required. This variance must be included on the bulk table on Drawing C-100. The ZBA application is subject to a review by this department as mandated under the New York State General Municipal Law.
- 5 The project narrative states that a landbank area is delineated on the drawings and reserved for future parking expansion should the need arise. Seventeen additional parking spaces can be provided in this area. The applicant and the Town must closely monitor the adequacy of the proposed parking to determine if, and when, additional parking is required.
- 6 The expanded group care facility must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 7 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Sloatsburg Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 8 A landscaping plan shall be submitted for our review.
- 9 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 10 The proposed well must be installed pursuant to all requirements of Article II of the Rockland County Sanitary Code, and under permit with the Rockland County Department of Health.
- 11 The existing well to be decommissioned must be done so in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.
- 12 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.
- 13 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 Standards for Urban Erosion and Sediment Control.
- 14 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 15 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 16 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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17 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Sloatsburg Fire District

Clark Patterson Lee
Town of Tuxedo, County of Orange

Sister's Servants of Mary Immaculate

Mona Montal, Chief of Staff

**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.