

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 27, 2016

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 55.29-1-7

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

Map Date: 8/17/2015

Date Review Received: 8/23/2016

Item: *VAIL ESTATES (SU-233C)*

Site plan for the proposed construction of a five-story, 52-unit apartment building located in the MR-50 zoning district on 1.45 acres. A mix of units is proposed, consisting of 18 one-bedroom units, 32 two-bedroom units, and two three-bedroom units. A two-level parking garage, as well as surface parking is proposed for a total of 108 spaces.

North side of NYS Route 59, 200 feet east of Cedar Lane, and opposite Oakdale Manor

Reason for Referral:

NYS Route 59

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 As was indicated in our October 20, 2015 review for the zone change petition, the multi-family development proposal must conform to the MR-50 bulk standards. As proposed, Vail Estates will result in an overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. A minimum lot area variance of almost 22 percent is necessary due to the additional lot area required for the number and size of the apartments proposed. The applicant is also seeking a 217 percent increase over the maximum permitted development coverage. A rear yard variance of 68 percent is also required. No on-site amenities are proposed. The multi-family development proposal must be scaled back to conform to the MR-50 zoning requirements. The building footprint and the number of units must be reduced. This will decrease the on-site parking requirement and reduce the extent of the development coverage variance.

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- 2 The number of stories for the proposed building should be provided on the site plan, as well as the height of the surrounding high-rise buildings. This will help to better determine the size of the building in relation to the other MR-50 sites in the vicinity. Reducing the height will eliminate the need for this variance, while also reduce the extent of the variance required for both lot area and lot coverage, as well as the rear yard.
- 3 A more detailed layout of the proposed garage must be provided. Specific parking spaces, including the location of the handicapped parking spaces, must be delineated in the garage, demonstrating the maneuverability of the vehicles in relation to the structural poles and walls. The plans must also show which entrances serve which floor of the garage.
- 4 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- 5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector, or the Suffern Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 8 Areas designated 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 proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents.
- 9 The Full Environmental Assessment Form must be updated to reflect the reduction in the number of proposed units.
- 10 Section B.e. of the Full Environmental Assessment Form must be amended to indicate that a General Municipal Law review by this department is required.
- 11 A landscaping plan that meets all Village requirements shall be provided.
- 12 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into State right-of-way.
- 13 All proposed signage shall be illustrated on the site plan, and conform to the village's sign standards.
- 14 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.
- 15 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 16 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.

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

18 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.

19 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.


Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
Rockland County Sewer District #1
Suffern Fire District
New York State Department of State,
Division of Code Enforcement & Administration

Brooker Engineering, PLLC

**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.

