

DEPARTMENT OF PLANNING

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November 2, 2020

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 51.19-2-19

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

Map Date: 9/25/2020

Date Review Received: 10/9/2020

Item: *SCHIMPF FARM SENIOR HOUSING (C-3635A)*

Site plan for a proposed 127-unit senior housing development located on 8.5 acres in the R-22 zoning district. A special permit use from the Planning Board is also requested to permit the senior housing development as per Section 290-17 O(A). Seven three-story buildings, with a total floor area of approximately 169,000 sq. ft. is proposed. The dwelling units will consist of 64 one-bedroom units, 62 two-bedroom units, and one three-bedroom unit for the superintendent's apartment. Other amenities include 216 parking spaces, a 5,500 sq. ft. residents' clubhouse, putting green, bocce courts, outdoor courtyards, patios, sitting area, and on-site walking paths.

Southeast corner of Germonds Road and Parrott Road

Reason for Referral:

Germonds Road (CR 27), 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 Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. In addition to complying with the bulk requirements of the zone in which they are proposed, they must meet the individual special permit standards, as detailed in Section 290-17O(A). The Town shall be satisfied that the proposed senior housing development complies with these requirements for the special permit use.

2 The proposed development is not consistent with the immediate single-family use which surrounds the parcel. The suburban/semi-rural neighborhood will contrast significantly with this much more urban development. The proposed design consists of seven buildings that are three-stories in height, and which maximizes many of the bulk requirements, including floor area ratio and density. The Town Planning Board should consider whether to reduce the number of units so as to have a more complementary designed development, while also providing for a better transition from the surrounding single-family residential neighborhood.

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- 3 As mentioned above, the senior housing development is proposed to consist of seven, three-story buildings. The surrounding neighborhood, comprised of single-family dwellings, are only two-stories in height. Even the non-residential buildings in the area (the schools, bus garage, and the Rockland Board of Cooperative Educational Services main campus), are only two-stories in height. The height of the buildings should be reduced to two-stories so as to be more compatible with the community character of the neighborhood.
- 4 To better visualize the proposed scale of the development to the surrounding neighborhood, a 3D Visualization shall be provided from all directions.
- 5 The design of the layout is typical of a "cookie cutter" development, and unimaginative. The buildings are all the same shape and size, with parking that surrounds the buildings. The development is "engineered" into the site, rather than designed to be a cohesive community. A more creative alternative design should be provided so that both the existing neighbors and the new residents will be proud of the new development.
- 6 The location of the Club House and other recreational features are located in the periphery of the site. The development design itself is broken up with parking, resulting in a layout that does not encourage community interaction. The amenities should be more centrally located so that they serve as gathering places, instead of being located remotely on the side of the development, as an afterthought.
- 7 Building lengths of close to 165' are proposed, and are not comparable to single-family dwellings, regardless of the architectural design or height. The visual context of the large residential structures versus single-family dwellings must be addressed. Smaller buildings, less units, and reduced parking would result in a more compatible development to the surrounding single-family residences.
- 8 The applicant must comply with the conditions and comments made by the Rockland County Highway Department in their letter of October 30, 2020.
- 9 An updated review must be completed by the Rockland County Sewer District No. 1. In addition, the comments and conditions in their letter of March 4, 2020 must be addressed. All required permits must be obtained prior to any grading or construction on the site.
- 10 An updated review must be completed by the Rockland County Department of Health. In addition, the comments and conditions in their letter of June 3, 2019 must be addressed.
- 11 Since the site is proposed to be a senior citizen housing development, it is likely that many of the residents will take advantage of the County T.R.I.P.S. bus service. A review must be completed by the Rockland County Department of Public Transportation to ensure that there is sufficient locations on site to pick-up or drop-off residents who want to take advantage of the bus service.
- 12 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Clarkstown fire inspector, or the West Nyack/New City Fire Departments to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 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 The parking regulations require 159 spaces, and 216 are being provided. It must be stated why 57 additional spaces are needed. Twelve spaces are located near the club house and community garden area, leaving an additional 45 spaces elsewhere. The Planning Board must review the parking locations and determine if the number of extra parking spaces is needed to accommodate residents and guests, or if it shall be reduced. A reduction in parking spaces would reduce the lot coverage, thereby helping to reduce the amount of impervious surfaces located on the site.

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15 The snow storage area northwest of Building #4, as illustrated on the Planting Plan, is depicted to be located on the sidewalk. All other snow storage areas are shown to be located in landscaped areas just beyond the sidewalk. The snow storage piles must be kept off sidewalks so as to not block any pedestrians. In addition, the aforementioned snow storage area adjacent to Building #4 may impede sight distances, depending on its height. This snow storage area must be relocated to mitigate these issues.

16 A drop curb is illustrated on the site plan in the parking area directly north of the entrance to Building #6. It must be clarified if handicapped parking spaces are proposed for the spaces adjacent to the striping for the drop curb. If so, the symbols must be shown on the site plan.

17 No handicapped parking spaces are proposed to be located in the parking area near the Club House. As previously mentioned, the recreational amenities are located on the periphery of the site, away from many of the residential buildings. Since this is a senior housing development, some residents may wish to drive over to the Club House, rather than walk. The applicant shall consider including handicapped parking spaces in this parking area to accommodate those that might need it to access these amenities.

18 The Fire Truck Maneuver Plan that shows ingress/egress from Germonds Road indicates the trucks will encroach over the northern sidewalk when entering the site. The Plan for ingress/egress from Parrott Road also shows a slight encroachment over the sidewalk northwest of Building #4. The Germonds Road entrance area and the northwestern parking area should be redesigned so that fire trucks do not need to drive over the sidewalk to maneuver around the site.

In addition, the Plan that illustrates ingress/egress from Germonds Road shows the fire trucks will encroach upon multiple parking space in the parking areas north of Building #7 and west of Building #5. These parking areas must be reconfigured so that they are not within the turning radius of fire trucks, or the spaces removed.

19 The Fire Truck Maneuver Plan shows multiple areas that are labeled with "Garbage Truck" and an arrow pointing to the roadway. It must be clarified as to what this means. A separate plan that shows the turning radius for the garbage trucks shall be provided. The plan shall ensure that there is sufficient maneuverability throughout the site for the garbage trucks and that these trucks can safely access the garbage enclosures without encroaching upon sidewalks or parking spaces, or blocking the flow of traffic.

20 A garbage truck accessing the southern garbage enclosure to the east of Building #6 will block vehicles from entering or exiting the parking area located under this Building. In addition, a vehicle parked in the southeastern parking space between Buildings #5 and #7 will be unable to properly maneuver out of the space if a garage truck is accessing the enclosure located south of Building #5 and will be forced to back out and drive in reverse through this area. These garbage enclosures shall be relocated to areas that are accessible and will not obstruct the flow of traffic.

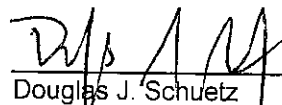
21 Map Note 9 indicates that the water will be supplied by United Water Company. This must be corrected to Suez. Map Note 18 is repetitive of Map Note 12, and must be deleted.

22 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.

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

24 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.

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Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Department of Public Transportation
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
United States Army Corps of Engineers

Brooker Engineering, PLLC
West Nyack Fire Department
New City Fire Department

**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.