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Planning Board
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Re: Schimpf Farm Senior Housing

Dear Members:

We represent the applicant in the above matter. We have received the Rockland County Planning Department's GML review dated November 2, 2020.

The Department's GML review is similar in many ways to its June 5, 2019, comment letter in response to the DEIS in this matter. Those comments were responded to by the Board in the FEIS. In many cases, the Board rejected the Department's comments. Where applicable, the Board's FEIS responses are repeated here (Response numbers are those used in the FEIS). Additional responses from the applicant are noted.

Further, the plan being reviewed is not the preferred plan that was the subject of the DEIS. The current plan conforms to all requirements of the Zoning Code, both as to bulk and use. Unlike the preferred plan, no variances are needed for the current plan. Thus, as a matter of law, the current plan is consistent with the requirements of the Zoning Code and of the Comprehensive Plan. The mere fact that the Department may not like the Code and the Plan is not a basis for it to object.

In addition, many of the Department's comments go beyond its jurisdiction. Under GML 239-m, the Department is entitled to review projects for "inter-community or county-wide consideration". The Department is not a super-Planning Board entitled to provide its own, separate review of a project.

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 290-170(A). The Town shall be satisfied that the proposed senior housing development complies with these requirements for the special permit use

FEIS Response 3.18-53: It is inaccurate to state that Special permit uses are, by definition, subject to a higher standard of review than as-of-right uses. The definition of special use permit in Section 274-b of the NY State Town Law reads: As used in this section the term “special use permit” shall mean an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.... The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the town.

The law provides that variances can be provided as necessary for Special Use Permits. The Law reads: Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to Section 267-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

However, as stated above, the Applicant acknowledges that variances are required to construct the proposed plan. The Applicant has provided a full conformance plan in Alternative 4.3.

The design as proposed provides a better layout by providing more space between the buildings and permits the parking areas to be broken up, thus enabling the parking to be more convenient to the entryway of each of the seven buildings. There is more greenspace between the buildings and the layout provides a community atmosphere with a centrally located focal point. The proposed layout provides superior interior circulation and an organized system of pedestrian sidewalks. The proposed layout also provides an increased buffer area along the north-south section of the stream which is not possible in the Conforming layout.

The Planning Board will have the option of considering the project as proposed and, based upon the merits of the proposed layout, send the Applicant to the Zoning Board of Appeals for review and approval of the required variances. Alternatively, the Applicant has demonstrated in Alternative 4.3, that a fully compliant plan could be constructed.

Applicant's Additional Response: The current plan is based on Alternative 4.3, and is a fully compliant plan.

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.

FEIS Response 3.18-18: The Schimpf Farm development does not utilize the maximum bulk permitted by the Special Use Permit. This permit was created by the Town to help meet the established need for Senior Housing. The permit categorizes Senior Housing as a residential use and stipulates that it be in a residential zone, in and among single family neighborhoods. It also recognizes that certain economies of scale are necessary to create a successful project and recognizes the value to the community of seniors that is created in a multifamily residential development. The socialization that this type of housing stimulates is one of the primary benefits of living in a senior community.

Alternatives 4.3 and 4.4 illustrate conforming plans of three and two stories respectively. In alternative 4.3 the buildings are much closer together and the layout does not have ideal internal circulation. In the two story Alternative 4.4, the buildings are much longer without any thing to break up the bulk of the building. This alternative also has slightly more disturbed area. Other than being fully compliant with the zoning code, these alternatives are not considered by the applicant to show improvements compared to the proposed project.

Applicant's Additional Response: In its Findings Statement, the Planning Board, as lead agency, recommended the alternative plan with no variances or waivers. This is the plan that has been developed and is now before the Board for Site Plan approval. Utilizing the full buffer dimensions helps the transition from the surrounding single-family developments.

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 nonresidential 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.

FEIS Response 3.18-19: Refer to Response 3.18-18 [repeated in response to Comment 2, above]. The two story development described in Alternative 4.4 is not a better plan than the proposed project. The buildings need to be substantially longer, and thus there is less space on the project site for circulation and landscape design.

4 To better visualize the proposed scale of the development to the surrounding neighborhood, a 3D Visualization shall be provided from all directions.

FEIS Response 3.18-20: As shown in DEIS 3.9-1 Photo Simulation Key Map, the visual renderings which are provided provide a visual analysis from all of the surrounding areas where neighborhoods abut the project site. These simulations are done to scale and accurately represent the views of the project site from the surrounding area.

Applicant's Additional Response: The Planning Board, as lead agency, reviewed visual renderings and simulations during the EIS process and found these potential impacts could be mitigated.

The applicant asks that this comment be overridden.

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.

FEIS Response 3.18-22: The proposed layout maximizes the use of the available land area while providing a neighborhood park like setting for the buildings. The uniform design of the buildings permits efficiencies in construction that contribute to creating a modest development to meet the needs of local senior citizens. The design can be modified by the Planning Board during the site plan review process as necessary.

Applicant's Additional Response: There are two different building types proposed, with additional modifications of each building based on

underground parking garages. The Planning Board, as lead agency, recommended the alternative with no variances or buffers be developed for site plan approval; as a result the building envelope has been decreased compared to the original proposed plan.

The current plan was designed based on this constraint by adding underground parking where feasible and reducing the impervious surfaces. We note the proposed plan has a lot coverage of 41.4% (50% is allowed) and a principal building coverage of 15.7% (33% is allowed).

The proposed plan is a “cohesive” community in that it provides proper site circulation for both vehicles and pedestrians, provides ample parking for both residents and guests conveniently located to the residences, and balances green space with developed areas along the perimeter of the site and within the site.

The applicant asks that this comment be overridden.

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.

FEIS Response 3.18-54: The Clubhouse area was not an afterthought. It is located in proximity to the Germonds Road driveway and serves as an entryway to the development. * * * The buildings are located approximately 525’ on the diagonal from the furthest end to end thus they are not located remotely from one another.

Applicant’s Additional Response: Parking is located adjacent to the residential buildings, as this is most convenient for the future residents. It is not preferable to separate buildings from parking as the future residents would not be proud of this type of layout.

The applicant asks that this comment be overridden.

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.

FEIS Response 3.18-39 [to Letter #11 Stephanie & Steven Menitove, 62 Germonds Road, West Nyack, New York, June 21, 2019]: There is a difference between the same and compatible. The project has been thoughtfully designed to blend into the surrounding

area, which consists of single family homes and a substantial amount of institutional uses. Refer to Response 3.18-50.

Applicant's Additional Response: The FEIS Response complies with this comment.

8 The applicant must comply with the conditions and comments made by the Rockland County Highway Department in their letter of October 30, 2020.

Applicant's Response: Agreed.

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.

Applicant's Response: Agreed.

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.

Applicant's Response: Agreed.

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.

Applicant's Response: The internal site roads at Schimpf farms are private roads and as such the County T.R.I.P.S bus service will not enter into the development.

There are sidewalks along the Germonds Road frontage that will facilitate the use of T.R.I.P.S. bus service. Therefore, review by the Department of Public Transportation is not needed nor relevant.

The applicant asks that this comment be overridden.

12 A review must be completed by the County of Rockland Office of Fire and Emergency Service; 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.

FEIS Response 3.18-1: Comment noted. The Town of Clarkstown Fire Safety Inspector and the local Fire Department are both on the distribution list to receive materials related to the Schimpf Farm Development. A Fire truck Maneuvering Plan is shown in Drawing 23.

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.

Applicant's Response: Encroachments into the federal wetlands are less than 0.1 of an acre and qualify for a Nationwide Permit from the Army Corps of Engineers. This is a default permit that does not require Army Corps of Engineers review.

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.

FEIS Response 3.18-55: Surveys of other senior housing communities indicate that parking utilization is generally between 1.0 and 1.5 vehicles per unit, including guest parking. This is the parking ratio that is stipulated by the Special Permit and is the ratio that was used for Schimpf Farm. Additional parking to accommodate guest parking have been incorporated into the site plan. Parking now totals 178 spaces.

The spaces in the southwest portion of the site are in reasonable proximity to Building #8, and are also convenient to the clubhouse area.

Applicant's Additional Response: During the EIS and public hearing process, the Planning Board and public questioned if meeting the code for required parking would be sufficient to satisfy the potential future needs of the residents. As a result, the applicant developed a plan that adds additional parking to exceed the minimum required by code. We note the majority of additional parking developed resulted from garage parking under the building footprints, which has reduced lot coverage. The proposed lot coverage of 41.4% is less than the maximum allowable coverage of 50%.

The Board has complied with this comment.

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.

Applicant's Response: The snow storage area can be relocated to the southwest corner of Building #2.

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.

Applicant's Response: No handicapped parking spaces are proposed near the drop curb at Building #6. This drop curb and striped access lane was added during TAC review in order to improve pedestrian circulation.

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.

Applicant's Response: The maximum walking distance to the clubhouse would be approximately 640 feet from the front door of Building #2. The plan exceeds the minimum required parking spaces and handicap spaces can be added at this location, if the Board deems them to be desirable. Since this is a rental community, our preference is to allow the owner flexibility to add these spaces via signage in the future if the needs of the residents' warrant them.

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.

Applicant's Response: The encroachments over the sidewalk are of the body of the fire truck. The wheels of the fire truck do not enter any sidewalks. The plan has been reviewed by the fire inspector and were found acceptable.

The applicant can revise the fire truck plan to eliminate the very minor encroachments into the back spaces of the few parking spaces mentioned in this comment, however, based on the fire inspector's review, a revision appears to be unnecessary.

The applicant asks that this comment be overridden.

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.

Applicant's Response: This is a drafting error that occurred when the truck turning plans were separated in a Fire Truck Maneuver Plan (Drawing 15A) Garbage Truck Maneuver Plan (Drawing 15B). The label for garbage trucks will be removed from the Fire Truck Plan.

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.

Applicant's Response: As Board members know, a garbage truck, when loading, requires one- to two-minutes to complete its task. Pickups are generally during early morning hours, before most other vehicles are moving. Even if a parked vehicle is blocked, it is a momentary blockage by a truck that is idling with a driver on board. The truck can be easily moved, if necessary. The Department is trying

to identify a problem where none exists. It is ridiculous to redesign the plan for this reason.

In addition, this comment has no relationship to the “inter-community or county-wide concerns” that are the Department’s jurisdiction.

The applicant asks that this comment be overridden.

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.

Applicant’s Response: Agreed.

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.

Applicant’s Response: Agreed.

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

Applicant’s Response: Agreed. The project exceeds this requirement, in that it complies with the Town of Clarkstown’s requirement to reduce the peak rate of discharge by at least ten percent.

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 multifamily 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.

Applicant’s Response: Comment Noted.

The applicant therefore asks that **Comments 4, 5, 6, 11, 14, 18, and 20 be overridden.**

Very truly yours,



Ira M. Emanuel

Cc: Client