

EXHIBIT

07-A-12, 7/17/12



**COUNTY OF ROCKLAND
DEPARTMENT OF HIGHWAYS**

23 New Hempstead Road
New City, New York 10956
(845) 638-5060
Fax. (845) 638-5037
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways

July 17, 2012

Andrew Y. Stewart
Supervisor
Town Hall
26 Orangeburg Road
Orangeburg, New York 10962 Via fax (845)359-8526

**Re: Pearl River Veterans LLC aka The Pointe at Lake Tappan
Proposed revision for the Planned Adult Community - Tax I.D. [73.10-1-4]**

Dear Supervisor Stewart:

This office acknowledges the receipt of your letter to our Superintendent Vezzetti dated July 16, 2012. While we appreciate Donald Brenner delivering us in person yesterday a copy of the petition to the Town Board by Pearl River Veterans LLC on June 12, 2012 and a copy of the latest Traffic Impact Study by John Collins Engineers, Inc. dated April 10, 2012, please be advised that we will not be able to formulate our response in time for the meeting on July 18, 2012. We will evaluate the traffic impact on the county roadway and hold our judgment on the subject matter in a timely manner..

Our previous letter on this development dated April 18, 2012 is attached herewith for your reference. Please keep us informed and contact us at (845)638-5060 if you have any questions for the above.

Very truly yours,

Sonny Lin, P.E. III
Attachment

Cc: Rockland County Planning Department

EXHIBIT



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SCOTT VANDERHOEF
County Executive

April 18, 2012

John Giardello
Director
Architecture & Community Appearance Board of Review
Town of Orangetown
20 Greenbush Road
Orangetown, New York 10962

Re: The Pointe at Lake Tappan - Tax I.D. [73.10-1-4]
Proposed revision for the Planned Adult Community -

via fax (845)359-8526

Dear Mr. Giardello:

It has come to our attention regarding a latest proposal on The Pointe at Lake Tappan. The site plan for this project was approved back in 2007 but never built. The developer intends to scale back the senior housing plan and offer new apartment buildings with rental units on less land than previously planned. The Orangetown Town Board will likely discuss details of ARC's plan at this coming Thursday's workshop meeting. This office has not been informed of the recent development for the above. This complex is located on Veteran's Memorial Drive, a County Road. Any new construction for this site will need a work permit from this office. Any deviation from the approved site plan ARC will need to be reviewed and approved from us. There was also an agreement that Town of Orangetown next to Hunt Road.

We would greatly appreciate the opportunity to be included in the future discussion and development of this project. Please contact us at (845) 638-5060 if you have any questions for the above.

Very truly yours,



Sonny Lin, P.E. III

Cc: Andy Stewart
Orangetown Supervisor
Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962

Charles H. Vezzetti
Rockland County Highway Superintendent

1 The concerns expressed in the April 18, 2012 and July 17, 2012 letters from the Rockland County Highway Department shall be addressed and all required permits obtained. In addition, it is our understanding that the County of Rockland de-mapped the County right-of-way for Blue Hill West Road pursuant to a specific agreement. Therefore, any PAC conceptual development plan approved by the Town Board, which relies upon the use of this former County right-of-way, shall also reflect the related agreement that must be compiled with in order to prevent this right-of-way from reverting back to County ownership.

***Recommend the following modifications**

Veterans Memorial Drive (County Route 20); Blue Hill West Road (County Route 23A) if it reverts to County ownership, Blue Hill South Road (County Route 23), Borough of River Vale, New Jersey. 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:

Reason for Referral:

Revision to a Planned Adult Community (PAC) zone on approximately 45 acres, including a revised conceptual site plan to include a gated community of up to 160 multi-family, market-rate residential rental units distributed among ten buildings and including one unit for a caretaker, with garage parking, tandem (under buildings) parking and parking lots totaling 448 spaces, an approximately 5,000 sq. ft. community recreation building with swimming pool, restoration of the historic Seth House and preservation of approximately one-half of the site as permanent green space. (The previously approved site plan for the site included a planned adult community with 120 condominium-owned, senior housing residential units, consisting of 88 detached single-family residential structures and 16 two-family residential structures. Twelve of the residential units were previously proposed to be "affordable" in cost.)

Between Veterans Memorial Drive and the New York/New Jersey State Line, and on both sides of Blue Hill West Road.

Item: PEARL RIVER VETERANS, LLC - THE POINTE AT LAKE TAPPAN (O-1858Q)

Map Date: 4/3/2012 Date Review Received: 7/16/2012

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

Tax Data: 73.10-1-4

Orangetown, NY 10962

26 Orangetown Road

Orangetown Town Board

July 17, 2012

C. SCOTT VANDERHOEF
County Executive

Building 1
Pomona, NY 10970
(845) 364-3434
Fax (845) 364-3435

**COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING**



THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

PEARL RIVER VETERANS, LLC - THE POINTE AT LAKE TAPPAN (O-1856Q)

2 The Borough of River Vale is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the southern boundary of the subject property. 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 recently 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 Borough of River Vale 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 Borough of River Vale must be considered and satisfactorily addressed, as well as any additional concerns about the revised conceptual site plan and PAC zone.

3 The Town shall be satisfied that the proposed PAC revisions are consistent with the Town comprehensive plan and the Town's local law governing Planned Adult Communities.

4 It is our understanding that the recreation building is proposed to contain 5,000 sq. ft., as was included in the previously approved plan. If this is the case, the revised conceptual plan shall state this and any other specifications for the recreational facilities that are desired by the Town Board.

5 A review shall be completed by both the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corp of Engineers (ACOE), and all required permits must be obtained. It is our understanding that the permit regarding the wetlands will be a joint permit of the NYSDEC and the ACOE. No site plan approval shall be granted until the Town has received documentation from the NYSDEC and ACOE regarding wetland boundary determinations and the restrictions that will apply to these areas and to their respective buffer areas.

6 The current proposal states that it provides a large percentage of "Open Space", with approximately one-half of the designated area to be placed into a "Forever Green" plan. At the time of preliminary site plan approval, the site plan shall indicate the wetlands to be preserved, any wetland buffers or setbacks to be provided, and all other space that is to be "forever green" shall be contained in Conservation Areas or Easements. A note shall be included on the site plan indicating that the conservation areas or easement will be required as a condition of site plan approval and their location and boundaries shall be identified.

7 All wetland, wetland buffers and other preserved green space shall be clearly marked in the field prior to any clearing, grading or construction. Notes shall be placed on the site plan regarding this field-marking requirement, as well as to explain the long-term use restrictions for these areas, including that no grading shall occur and no accessory structures shall be placed in these areas.

8 A more detailed pedestrian circulation plan should be provided on the site plan. The plan should tie into compatible surrounding land uses, including linking the nearby Town-owned golf course. If bicycles will be used by residents and guests, bike racks should be shown in appropriate locations. A sidewalk should be provided along the loop road, as well as to the community recreation facilities.

PEARL RIVER VETERANS, LLC - THE POINTE AT LAKE TAPPAN (0-18560)

9 At the time of preliminary site plan approval, the site plan shall include a bulk table that includes acreage of the various land uses (including wetlands, separate from other watercourses), number of residential units, planned use of the approximately 4,600 sq. ft. historic Seth House and its associated surroundings, and the area of the community recreation facilities.

10 A landscape and lighting plan that meets all Town requirements and reflects the maximum possible preservation of existing vegetation shall be provided at the time of site plan review. As was previously required by the Town's Architecture and Community Appearance Board of Review, all trees with a diameter of 8" or more should be noted on the plan. The landscape plan shall identify the landscape features that will be preserved around the historic house site. The lighting plan shall provide fields of illumination information that demonstrates that no light will shine into the County right-of-ways.

11 The boundaries and purpose of any access, drainage and other easements shall be clearly identified on the site plan and notes included that indicate the entity with maintenance responsibilities for these easement areas and the improvements in them.

12 Any public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.

13 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

14 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

15 A review shall be completed by the Rockland County Health Department to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control

16 Prior to preliminary site plan approval, the applicant shall meet with the Rockland County Department of Public Transportation staff with regards to planning for pick-up of residents at the senior and handicapped residents in Rockland County. Our preliminary discussions with the staff of this Department indicate that use of speed bumps in the development would be a detriment to their ability to serve the residents conveniently and in a manner that would best ensure their comfort. Therefore, we recommend that alternative "traffic calming" road design methods be used if possible.

In addition, at the time of preliminary site plan review, consideration should be given to planning for pick-up and drop off locations, and handicapped accessible curb cuts and other features should be sited accordingly.

PEARL RIVER VETERANS, LLC - THE POINTE AT LAKE TAPPAN (O-1856Q)

- 17 A review shall be completed by the Rockland County Office of Fire and Emergency and any concerns addressed.
- 18 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.
- 19 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 20 We request the opportunity to review any variances which may be necessary to implement the proposed conceptual site plan.
- 21 The current proposal states that restoration of the "Seth Home" is included. This 18th Century structure, containing over 4,000 sq. ft. of building area, is also known as the Isaac Perry/David Blauvelt (Seth) House and it is our understanding that timely restoration is critical due to the potential for deterioration. To assure timely and appropriate restoration, we recommend that the revised Planned Adult Community indicate that the restoration plan and work will be completed in consultation with the State Historic Preservation Office and guided by a qualified preservation architect, with a specific timeframe (for example, prior to issuance of a Certificate of Occupancy for the first residential building).

Further, we recommend that a cost plan and a construction management plan for the restoration be included at the time of preliminary site plan approval. In addition, we recommend that the details be determined at the time of preliminary site plan approval for means of incorporating the historic site into the senior rental project with a practical and positive use, such as in place of the recreation building.

22 This application was officially received by the Rockland County Planning Department on July 16, 2012. (Informational or courtesy copies of the applicant's application materials only were provided to us by attorney Donald Brenner on June 28, 2012.) As a reminder, the New York State General Municipal Law, Section 239 (m) 4. (b) states that, "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations." Adequate time must be provided to the Rockland County Planning Department in order for us to do a proper review.

23 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

23.1 At the time that the Town adopted a local law allowing Planned Adult Communities, future development of rules to assure that occupancy of the units would be age restricted and that identified affordable housing units would remain so, was expected. If these rules have been drafted or completed, a copy is requested for review.



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

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways

PEARL RIVER VETERANS, LLC - THE POINTE AT LAKE TAPPAN (O-18560)

Rockland County Department of Public Transportation
Rockland County Office of Fire and Emergency Services
Rockland County Historic Preservation Board
United States Army Corps of Engineers
New York State Department of Environmental Conservation
Rockland County Department of Health
Borough of River Vale, New Jersey
Alan Pines, Millennium Homes/Pearl River Veterans
Barton Partners, Architects Planners
Donald Brenner, P.E., LL.B.

"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.

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