

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 12, 2016

Chestnut Ridge Planning Board
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 57.18-1-33

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 9/19/2016

Date Review Received: 11/7/2016

Item: *PIAZZA SUBDIVISION (CR-73E)*

Five-lot subdivision of 3.839 acres in an R-15 zoning district. A single-family residence is proposed on each lot.

West side of Scotland Hill Road, 60 feet north of the NYS Thruway

Reason for Referral:

NYS Thruway, 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 An updated review of the September 19, 2016 subdivision plat shall be completed by the New York State Thruway Authority and any required permits obtained.
- 2 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.
- 3 An updated review of the September 19, 2016 subdivision plat must be completed by the Rockland County Drainage Agency and all required permits obtained. In addition, as required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 4 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 14, 2016.
- 5 An updated review of the September 19, 2016 subdivision plat shall be completed by the Rockland County Sewer District # 1, and all required permits obtained.

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6 An updated review of the September 19, 2016 subdivision plat shall be completed by the United States Environmental Protection Agency, and documentation provided that the Environmentally Sensitive Area waiver granted in 2007 is still valid.

7 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

8 All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

9 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.

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

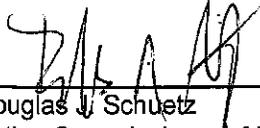
11 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

12 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.

13 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Chestnut Ridge Fire Inspector, or the South Spring Valley Fire District to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

14 Since the property is adjacent to an Orange and Rockland utility easement, a review must be completed by Orange and Rockland and their concerns, if any, addressed.

15 The clearing limits of the conservation area, and other areas not to be disturbed, must be clearly delineated in the field prior to any grading or construction on site, to avoid any encroachments into these sections.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Thruway Authority
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
United States Environmental Protection Agency
Orange and Rockland Utilities

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Rockland County Office of Fire and Emergency Services
South Spring Valley Fire District

Brooker Engineering, PLLC
Jay A. Greenwell, PLS

Moshe Silberstein, Secretary

**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.