

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 26, 2018

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 63.07-2-51

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 12/12/2017

Date Review Received: 2/20/2018

Item: *CAPASSO SUBDIVISION (C-1434E)*

Twelve-lot subdivision of 5.77 acres in the R-15 zoning district. Ten lots are to be developed with single-family dwellings; one lot is to be conveyed to the Town of Clarkstown for drainage purposes, and the other lot is a 50' mapped street (Will Rogers Lane) that is to remain as a private road. Variances for lot width for not having frontage on a public road are required for lots 6, 7 & 8.

East side of S. Pascack Road, north side of Will Rogers Lane, opposite Carriage Lane

Reason for Referral:

S. Pascack Road (CR 35), Pascack Brook

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 The comments and conditions in the February 22, 2018 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to the start of grading or construction on the site.
- 2 The comments and conditions in the February 22, 2018 letter from the Rockland County Department of Health must be addressed.
- 3 The comments and conditions in the March 19, 2018 letter from the Rockland County Sewer District #1 must be met.
- 4 A review must be completed by the County of Rockland Drainage Agency, and all required permits obtained.
- 5 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.

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6 Due to federal wetlands on the site, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

7 The Floodplain Administrator for the Town of Clarkstown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 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.

9 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 Guidelines for Urban Erosion and Sediment Control.

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

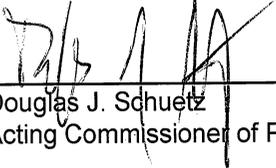
11 Map Note #10 on Drawings #1 and #3 must be corrected to be Suez Company instead of United Water Company. Map Note #22 is repetitive, and should be deleted.

12 The bulk table lists that variances are required for lot width for Lots #6, 7, and 8 due to the fact that they do not have frontage on a public road. Since Lot #6 does have frontage on S. Pascack Road, it should be verified by the Town of Clarkstown if a variance is in fact required for this lot. If not, then the Bulk Requirements Table must be corrected.

13 It is assumed that Lot #3 is one of the lots being deeded to the Town of Clarkstown for stormwater detention. A note must be added to the subdivision plat indicating such. This must also be done for the unlabeled 50' right-of-way.

14 The maintenance responsibility for Will Rogers Lane must be provided as both a map note and in the deed.

15 We request the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor George Hoehmann, Clarkstown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Federal Emergency Management Agency
United States Army Corps of Engineers
Brooker Engineering, PLLC

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**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.

