



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 1, 2018

Clarkstown Planning Board  
10 Maple Avenue  
New City, NY 10956

**Tax Data:** 51.06-2-42

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 3/1/2018

**Date Review Received:** 5/1/2018

**Item:** *LUCREZIA (C-3615)*

Two-lot subdivision of 1.85 acres in the R-15 zoning district. One lot is proposed to be 49,776 sq. ft., and the other 15,551 sq. ft.

North side of Collyer Avenue, approximately 375 feet east of Little Tor Road and 310 feet west of Bonnie Lane

### Reason for Referral:

Collyer Avenue (CR 76), Little Tor Road (CR 33)

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 in the May 3, 2018 letter from the Rockland County Highway Department must be met.
- 2 The comments in the May 4, 2018 letter from the Rockland County Health Department must be met.
- 3 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 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.
- 5 A review must be completed by the County of Rockland Drainage Agency, and any required permits obtained. In particular, the Drainage Agency must review proposed drainage easement to them.
- 6 Is the existing fish pond to remain? If so, then the Drainage Agency should comment as to whether they want a portion of the pond within their easement area. If not, then it should be labeled "to be removed."

**LUCREZIA (C-3615)**

7 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.

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

9 The Request for Report and Recommendations lists the two lots to be 48,800 sq. ft. and 15,452 sq. ft. while the subdivision plat lists them as 49,776 sq. ft. and 15,551 sq. ft. All application materials must be consistent.

  
\_\_\_\_\_  
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  
  
Atzl, Nasher & Zigler P.C.

*\*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.*