

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 7, 2019

Clarkstown Planning Board
10 Maple Avenue
New City, NY 10956

Tax Data: 50.08-2-20
50.12-1-26

50.08-2-17

50.12-1-27

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 8/3/2019

Date Review Received: 9/4/2019

Item: *EMERALD ESTATES (C-3024H)*

Three-lot subdivision of four existing parcels located on 18.93 acres in the R-40 and R-15 zoning districts. Tax lot 50.12-1-27 and the southerly portion of tax lot 50.12-1-26 will comprise Lot 1. Lot 2 will be made of the northerly portion of tax lot 50.12-1-26 and a portion of tax lot 50.08-2-20. This lot will be conveyed to Rockland ALP Realty Management, Inc. to be incorporated into the "L'Dor" project. Lot 3 will consist of the remaining northerly portion of tax lot 50.12-1-26, the remaining portion of tax lot 50.08-2-20, and tax lot 50.08-2-17.

West side of West Clarkstown Road, north side of Emerald Court, approximately 150 feet east of Mallory Road

Reason for Referral:

Town of Ramapo, Village of New Square, West Clarkstown Road (CR 35A), 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 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of September 16, 2019.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

EMERALD ESTATES (C-3024H)

4 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.

5 A review must be completed by the United States Army Corps of Engineers for the wetlands on site, and all required permits obtained.

6 The Town of Ramapo and Village of New Square are two of the reasons this proposal was referred to this department for review. The municipal boundaries are both along a portion of the western border of the site. 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 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 Town of Ramapo and Village of New Square 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 Town of Ramapo and Village of New Square must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

7 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 Standards 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 wetlands shall be flagged in the field prior to the start of construction or grading to limit encroachments into the wetland.

10 All major subdivisions, i.e., those with three 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. A Long EAF must be provided with any 3-lot or greater subdivision.

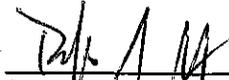
11 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water.

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

13 A preliminary tree preservation plan was provided for the Lot 1 configuration that has one lot. A tree preservation plan shall also be provided for the configuration of Lot 1 that has 11 lots when that subdivision is submitted for review.

14 We request the opportunity to review both the site plan for L'Dor and the 11-lot subdivision when each of them is submitted to the Town of Clarkstown, as required by New York State General Municipal Law.

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Douglas J. Schuetz

Acting Commissioner of Planning

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

Atzl, Nasher & Zigler, PC
Town of Ramapo, Village of New Square

**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.

