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

January 3, 2017

Hillburn Planning Board
31 Mountain Avenue
Hillburn, NY 10931

Tax Data: 47.11-1-1.4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 11/9/2016 **Date Review Received:** 11/22/2016

Item: ***RAMAPO VALLEY WELL FIELD WELL NO. 97 GWUDISW IMPROVEMENTS (Hi-37)***

Site plan for an elevated structure at the existing Ramapo Valley Well Field Well No. 97 site for the purpose of Ground Water Under Direct Influence of Surface Water (GWUDISW) Improvements. The structure will contain bag and cartridge filters, and a UV reactor. The 2.2 acre site is located in an LI zoning district.

East of Route 17 and the Consolidated Rail Line, and west of the Ramapo River and Torne Valley Road

Reason for Referral:

Ramapo River, Town of Ramapo, Federal Wetlands, H. Pierson Mapes Flat Rock Park, NYS Routes 17 and 59, Torne Valley Road (CR 95), NYS Thruway

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 Town of Ramapo is one of the reasons this proposal was referred to this department for review. The subject parcel is owned by the Town and the municipal boundary is along the northern property line 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.

RAMAPO VALLEY WELL FIELD WELL NO. 97 GWUDISW IMPROVEMENTS (Hi-37)

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 A review must be completed by the Rockland County Drainage Agency and all required permits obtained.

3 A review must be completed by the New York State Department of Health to ensure compliance with the Long Term 2 Enhanced Surface Water Treatment Rule.

4 A review must be completed by the Rockland County Department of Health to ensure compliance with the Long Term 2 Enhanced Surface Water Treatment Rule.

5 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.

6 A review must be completed by the Rockland County Division of Environmental Resources, and any comments or concerns addressed.

7 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.

8 A review must be completed by the Rockland County Highway Department and any required permits obtained.

9 A review shall be completed by the New York State Thruway Authority and any required permits obtained.

10 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code, and any required permits obtained.

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

12 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.

13 The Floodplain Administrator for the Village of Hillburn shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Craig Flanagan, Jr., Hillburn
Rockland County Drainage Agency
New York State Department of Health
Rockland County Department of Health
United States Army Corps of Engineers

RAMAPO VALLEY WELL FIELD WELL NO. 97 GWUDISW IMPROVEMENTS (Hi-37)

Rockland County Division of Environmental Resources
Rockland County Department of Highways
New York State Thruway Authority
Federal Emergency Management Agency

BS&J Engineers, P.C.
Town of Ramapo
Consolidated Rail Corporation

Christopher Graziano, Vice President/General Manag

**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.