



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 2, 2014

ARLENE R. MILLER  
Deputy Commissioner

Montebello Planning Board  
One Montebello Road  
Suffern, NY 10901

**Tax Data:** 48.10-1-73

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 5/9/2014

**Date Review Received:** 6/9/2014

**Item:** 29 BAYARD LANE (M-161A)

Site plan application for a single-family residence on 4.35 gross acres in the R-35 zoning district. Disturbance and construction are proposed within 100 feet of the floodplain line and within the Conservation Overlay District.

South and west sides of North Bayard Lane, 500 feet southeast of South Bayard Lane

**Reason for Referral:**

Mahwah River

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 A review of the May 9, 2014 site plan must be completed by the County of Rockland Drainage Agency and all required permits obtained. The applicant must comply with the conditions of the Drainage Agency's September 4, 2013 letter.
- 2 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 3 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 4 A review of the May 9, 2014 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District's October 6, 2013 letter.

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5 As indicated in the County of Rockland Sewer District #1 's October 6, 2013 letter, the United States Environmental Protection Agency has designated this site as an Environmentally Sensitive Area. A review shall be completed by the United States Environmental Protection Agency and all required permits obtained.

6 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

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

8 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.

9 The clearing limit lines must be clearly delineated in the field prior to any grading or construction on site, to avoid any encroachments into the protected areas.

10 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 (August 2010) and local ordinances.

11 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.

12 A net lot area calculation must be included in the bulk table. The appropriate deductions for the land area constrained by wetlands and the floodplain must be clearly indicated.

13 Given the environmentally sensitive nature of this site and its location within the Conservation Overlay District, we recommend that a conservation easement be provided and recorded on the deed to protect these natural features in the future. This will ensure that further grading does not occur within the 100-year floodplain buffer, and no structures are located within it.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Jeffrey Oppenheim, Montebello  
Rockland County Department of Health  
Rockland County Sewer District #1  
United States Environmental Protection Agency  
New York State Department of Environmental Conservation  
Rockland County Drainage Agency  
United States Army Corps of Engineers  
Dave Turiano PE

Carlos Cabrera

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

**29 BAYARD LANE (M-161A)**

*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.*

