

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 29, 2016

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 40.20-1-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 10/20/2016

Date Review Received: 10/27/2016

Item: *WARE SUBDIVISION - 10 WILBUR ROAD (M-164B)*

Three-lot cluster subdivision of 5.611 acres in an RR-50 zoning district. An existing single-family residence will remain on Lot 2; new single-family dwellings are proposed on Lots 1 and 3.

Terminus of Wilbur Road, approximately 700 feet southeast of the intersection of Haverstraw Road (NYS Route 202)

Reason for Referral:

Haverstraw Road (NYS Route 202), 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 An noted in our previous review, the cluster subdivision is preferred over the standard subdivision since there is less disturbance overall. In order to prevent encroachment into the wetland area, a conservation easement must be provided on proposed Lot #3, and indicated in the deed so that the future property owners are aware of the restrictions on the lot.
- 2 The area adjacent to the wetlands, to be left in its natural state and undisturbed, shall be clearly delineated in the field prior to any grading or construction. Clearing limit lines and construction fencing must be installed before construction equipment is brought onto the site.
- 3 As indicated in the Rockland County Drainage Agency's letter of April 12, 2016 and pursuant to the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Drainage Agency before the County Clerk can accept the plan to be filed.
- 4 An updated review of the October 20, 2016 cluster subdivision plan shall be completed by the New York State Department of Transportation, and any required permits obtained.

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- 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 An updated review of the October 20, 2016 cluster subdivision plan shall be completed by the Rockland County Sewer District #1. In addition, the conditions of their May 4, 2016 letter must be met.
- 7 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.
- 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- 9 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 10 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11 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.
- 12 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 (January 2015) and local ordinances.
- 13 General Note 3 must be revised to indicate the correct zoning designation. The parcel is located in the RR-50 zoning district.
- 14 A scale and north arrow must be provided on the vicinity map.
- 15 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
United States Army Corps of Engineers
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Health
Civil Tec Engineering & Surveying PC

Loren Ware

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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.

