

**DEPARTMENT OF PLANNING**

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

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

May 26, 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:** 4/26/2016

**Date Review Received:** 4/29/2016

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

Three-lot subdivision of 5.6 acres in the RR-50 zoning district. A cluster plan is also provided. 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

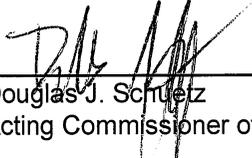
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 This submission of the three-lot subdivision included a cluster plan that provides a greater distance from the federal wetlands, while also preserving the exiting single-family residence. This layout is preferred over the standard subdivision since there will be less disturbance overall. To help protect encroachment into the wetland, a conservation easement on proposed Lot #3 must be provided, and indicated in the deed so that the future property owners will know what limitations there are on the lot.
- 2 The area adjacent to the wetlands, to be left in its natural state and undisturbed, should be clearly delineated on the map and marked in the field prior to any 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.

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- 4 An updated review shall be done by the New York State Department of Transportation, and any required permits obtained.
- 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 The comments in the May 4, 2016 letter from the Rockland County Sewer District #1 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 The sketch plat must include map notes. A north arrow and scale must be provided for the vicinity map on both the Sketch Plan and the Cluster Plan.
- 14 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

  
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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  
Civil Tec Engineering & Surveying PC

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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.*

