Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 5, 2018

Montebello Planning Board
One Montebello Road
Suffern, NY 10901

Tax Data: 49.13-1-13

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 2/15/2018 **Date Review Received:** 2/22/2018

Item: ***STONEHEDGE FARM - 220 SPOOK ROCK ROAD (M-136C)***

An 11-lot subdivision on 16.68 acres in the ER-80 zoning district and Rural Preservation Overlay District. An existing farmhouse, guesthouse, and pool are to remain on Lot 1. Lot 11 includes a 200-foot preservation area in accordance with the requirements of the overlay district.
The eastern side of Spook Rock Road, approximately 250 feet south of Topaz Court.

Reason for Referral:

Rockland County Community College, Spook Rock Road (CR-85), Town of Ramapo

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 all comments made by the Rockland County Department of Highways in their letter of February 27, 2018.

2 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of March 20, 2018.

3 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.

4 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.

5 A review must be completed by the Rockland County Community College and their comments considered.

6 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

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7 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

8 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the eastern property line. 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 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 must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 Section 195-61.C(3) of the village zoning regulations states lots in the Rural Preservation Overlay District may be developed to "generally conform to the bulk requirements regulating single-family detached residences in the R-25 zone." However, the site plan does not provide a bulk table with the requirements of the R-25 zoning district, or information for each of the proposed lots. Several of the lots appear to have less than the 125-foot width required in the R-25 zoning district. The bulk table information must be provided in order for the Planning Board to determine whether the proposed lots meet the standards of the overlay district.

10 The subdivision plat shall contain map notes, including the parcel tax number and district information.

11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

13 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. All major subdivisions, i.e., those with five 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. RCDOH must also review and approve all public water supply improvements, e.g., water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

14 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.

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15 We request the opportunity to review any variances which may be necessary to implement the proposed subdivision.

16 The village shall ensure that all criteria of the Rural Preservation Overlay District, Section 195-61, are adhered to.

17 The application form indicates the property receives water service from United Water. The form must be corrected to Suez. The application form and narrative list the zoning district as RR-80. They must be corrected to ER-80.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland Community College
New York State Department of Environmental Conservation
United States Army Corps of Engineers

Brooker Engineering, PLLC
Town of Ramapo

**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.