



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 9, 2018

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: 3/12/2018

Date Review Received: 3/13/2018

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

A three-lot cluster subdivision on 5.61 acres in the RR-50 zoning district. Two new single-family residences are proposed, and the existing dwelling is to remain with an addition constructed. Two wetland conservation easement areas, totaling 1.78 acres, are to be created.

At the terminus of Wilbur Road, approximately 690 feet east and south of Haverstraw Road (US Route 202)

Reason for Referral:

Haverstraw Road (US Route 202)

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 conservation areas 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 on site.
- 2 An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 The applicant must comply with all comments made by Rockland County Department of Health in their letter of April 3, 2018.
- 4 The applicant must comply with all comments made by Rockland County Sewer District #1 in their letter of March 22, 2018.

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- 5 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.
- 6 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.
- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 Any public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
- 9 The proposed wells must be installed pursuant to all requirements of Article II of the Rockland County Sanitary Code, and under permit with the Rockland County Department of Health.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Lance Millman, Montebello
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of Transportation

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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.