



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 25, 2019

New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956

Tax Data: 50.09-1-14.1

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

Map Date: 7/25/2019

Date Review Received: 8/16/2019

Item: *UNION AVE REALTY NY LLC/575 UNION ROAD (NH-103B)*

Site plan for a single-family dwelling on .3571 gross acres (.3003 net acres) in a 2R-15 zoning district.
West side of Union Road, opposite Naomi Lane

Reason for Referral:

Town of Ramapo, Viola Road (CR 74)

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 Town of Ramapo is one of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is approximately 450 feet south of the site. 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 county-wide 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 which 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.

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- 2 The applicant must comply with the conditions of the Rockland County Highway Department's August 26, 2019 letter.
- 3 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District #1's September 9, 2019 letter.
- 5 Additional information must be provided about the wetlands on the west side of the site. While they are delineated on the site plan and the appropriate land area deductions are indicated, it is unclear if they are federal, state or local wetlands. Clarification must be provided.
- 6 Question 13.a. on the Short Environmental Assessment Form (SEAF) has been answered affirmatively indicating that a portion of the site contains wetlands or other waterbodies regulated by a federal, state or local agency. Question 13.b. is not answered and the wetland or waterbody is not identified. The SEAF is therefore incomplete. The required information must be provided to ensure compliance with the NYS Environmental Quality Review Act, as well as any other applicable regulations.
- 7 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer
- 8 The site plan is difficult to read because it contains information that should be depicted on separate sheets. Individual drawings must be provided for existing conditions, drainage and grading, utilities, construction details, lighting and landscaping.
- 9 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.
- 10 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.
- 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 Standards 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 While this department has reviewed the variances required for a three-lot subdivision in 2008, and a two-lot subdivision in 2016, the Village has neglected to send us a General Municipal Law (GML) referral for the proposed subdivisions. As noted in our 2008 and 2016 comments, subdivisions are subject to a review by this department as mandated under Section 239-n of the General Municipal Law.
- 14 The impervious surface calculation must be provided on the site plan so its accuracy can be verified.
- 15 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

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16 A vicinity map shall be provided on the site plan; it shall include a scale and north arrow.

17 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

18 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Abe Sicker, New Hempstead
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.E.
Town of Ramapo

Union Ave Realty NY LLC

**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.

