



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

April 13, 2012

ARLENE R. MILLER  
Deputy Commissioner

New Square Village Board  
766 North Main Street  
Spring Valley, NY 10977

**Tax Data:** 50.07-2-15.6

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 3/14/2012

**Date Review Received:** 3/19/2012

**Item:** *TRUMAN AVENUE PHASE 2 (NS-6J)*

Sixteen-lot subdivision of 4.5895 acres in the C-2 zoning district.  
East side of Osterh Boulevard, south side of Roosevelt Avenue

**Reason for Referral:**

Towns of Clarkstown and 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 Towns of Clarkstown and Ramapo are the reasons this proposal was referred to this department for review. The municipal boundary for the Town of Clarkstown is immediately adjacent to the eastern property line of the site. The municipal boundary for the Town of Ramapo is 175 feet south of the parcel. 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 recently 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 applicant must address the issues raised in the Town of Clarkstown's letter dated April 6, 2012. In addition, the Towns of Clarkstown and Ramapo must be provided with all of the

## **TRUMAN AVENUE PHASE 2 (NS-6J)**

information necessary to do a thorough evaluation of the proposal, and be given the opportunity to review the proposed subdivision and future site plans for their 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 Towns of Clarkstown and Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 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.

3 Lot area variances are required for six of the 16 lots proposed in this subdivision application. The conceptual multi-family dwellings depicted on 15 of the lots will each require variances for front yard, side yard, rear yard and parking. The subdivision shall be reconfigured so that the minimum lot area is achieved for all lots proposed. The future multi-family dwellings must be scaled back to more closely conform to the C-2 bulk standards.

4 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.

5 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

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

7 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.

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. 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.

9 The future multi-family residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the fire inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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11 Though the narrative states that Lot 16 is intended to remain vacant and that this is noted on the plans, there are no map notes to indicate such. Since its irregular shape does not lend itself to development, the final disposition of Lot 16 must be clarified on the plans.

12 The bulk table incorrectly indicates that a lot area variance is required for Lot 8. The proposed lot area of 15,523 SF exceeds the minimum lot area requirement of 8,000 SF. The bulk table must be corrected.



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Thomas B. Vanderbeek, P.E.  
Commissioner of Planning

cc: Mayor Mates Friesel, New Square  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Brooker Engineering, PLLC  
Towns of Clarkstown and Ramapo  
Moleston Fire District  
New York State Department of State,  
Division of Code Enforcement and Administration  
45 Bypass Corporation

*\*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.*