



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

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DOUGLAS J. SCHUETZ  
Acting Commissioner

ARLENE R. MILLER  
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September 29, 2015

New Square Village Board  
37 Reagan Road  
New Square, NY 10977

**Tax Data:** 42.19-3-82-86 42.19-3-65-76 42.19-3-54-57 42.19-3-52 42.19-3-51 42.19-2-7  
42.19-2-3.2 42.19-2-3.1

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

**Map Date:** 6/23/2015

**Date Review Received:** 9/3/2015

**Item:** *BUSH LANE NORTH (NS-12)*

Proposed re-subdivision of 26 existing lots comprising 8.94 acres into 19 lots. The parcels are located in the LDR, HDR and GB zoning districts.

East side of Route 45 and north side of Apta Boulevard; east and west sides of Slavita Road; east and west sides of Polnoya Road

**Reason for Referral:**

NYS Route 45, Town of Ramapo, Village of New Hempstead

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 and the Village of New Hempstead are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the eastern property line and a portion of the northern property line of the subdivision; the New Hempstead municipal boundary is along NYS Route 45, immediately west of the subdivision. 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

**BUSH LANE NORTH (NS-12)**

a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo and the Village of New Hempstead 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 and the Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 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 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 5 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
- 6 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.
- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 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.
- 10 A project narrative must be submitted that details the reason for the resubdivision of this land area.
- 11 Lot 42.19-3-86 must be shaded on the vicinity map and outlined on the subdivision plat as it is part of this proposal.
- 12 Future development proposals for these parcels are subject to a review by this department as mandated by the New York State General Municipal Law.

**BUSH LANE NORTH (NS-12)**



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Deputy Mayor Israel Spitzer, New Square  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
Brooker Engineering, PLLC  
Town of Ramapo, Village of New Hempstead

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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.*

