



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 27, 2016

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.15-2-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 12/30/2015

Date Review Received: 1/11/2016

Item: *SAMBROTTO MINOR SUBDIVISION (O-2233C)*

Two-lot subdivision of 2.23 acres in the R-40 zoning district.
North side of Clausland Mountain Road, approximately 460 feet east of S. Greenbush Road

Reason for Referral:

Clausland Mountain Road (CR 28), S. Greenbush Road (CR 11), Clausland Mountain County Park

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:

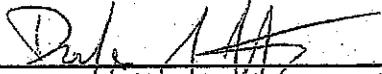
****Recommend the following modifications***

- 1 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. The conditions in their February 18, 2015 letter must be addressed.
- 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 An updated review must be completed by the County of Rockland Department of Health. The conditions in their January 25, 2015 letter must be met.
- 4 Map Note #36 indicates that the existing well is to remain for irrigation purposes only. It further states that it could be alternatively decommissioned. If the existing well is to be decommissioned in the future, then the Rockland County Department of Health must be notified of the intent to decommission the well prior to its removal so that they can monitor the process to ensure that it is done in compliance with the specifications of Article II of the Rockland County Sanitary Code.

SAMBROTTO MINOR SUBDIVISION (O-2233G)

5 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.

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



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Rockland County Department of Health
Robert E. Sorace, PLS
Jay A. Greenwell, PLS, 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.