Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 14, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 78.18-1-3.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 10/30/2017 **Date Review Received:** 11/21/2017

Item: ***BERGSON SUBDIVISION (O-839J)***

Four-lot subdivision of 16.187 acres in the R-80 zoning district. The two existing houses will remain. Currently no construction is proposed on Lot 1. Lot 4 is being conveyed to the NY/NJ Trail Conference for parkland.
East side of US Route 9W, west side of Woods Road, south side of Tallman Mountain State Park

Reason for Referral:

US Route 9W, Tallman Mountain State Park, Long Path Regional Hiking Trail, Closter Road (CR 4), Federal wetlands

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 comments in the December 6, 2017 letter from the Rockland County Department of Health must be met.

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 A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed, and permits obtained.

4 A review must be completed by the Palisades Interstate Park Commission and any comments addressed.

5 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

6 An access easement must be provided for Lots 2 and 3 over Lot 1.

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7 Lot area deductions must be provided for each lot. The bulk table should provide net and gross lot areas, with the deductions for wetlands, easements, etc. specified. As provided, it is not clear if the lot areas are the gross or net lot area, and whether these features have been accounted for in the lot area provided.

8 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.

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

10 When the lots are to be developed further, a stormwater pollution prevention plan (SWPPP) must be provided. The SWPPP shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

11 We request the opportunity to review any variances which may be necessary to implement the proposed subdivision.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
New York - New Jersey Trail Conference
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
United States Army Corps of Engineers

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.