Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 75.09-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/28/2017 **Date Review Received:** 10/2/2017

Item: ***KARP SITE PLAN (O-2314A)***

Site plan for the proposed construction of a single-family dwelling located in the R-80 zoning district and critical environmental area, on .867 acres.
West side of Tweed Boulevard, approximately 3,065 feet north of US Route 9W

Reason for Referral:

Tweed Boulevard (CR 5), Village of Piermont, US Route 9W, Long Path

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. In addition, the comments in their March 22, 2017 letter must be addressed.

2 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 140 feet east of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.

3 As indicated in the October 8, 2017 letter from the Rockland County Department of Health, approval will be required for the subsurface disposal system.

4 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.

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

KARP SITE PLAN (O-2314A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
New York State Department of Transportation
New York State Department of Environmental Conservation
New York - New Jersey Trail Conference

Dennis M. Letson, P.E. & Associates
Village of Piermont Planning Board

**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.