

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.20-5-70 72.08-1-7

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 1/4/2017

Date Review Received: 2/24/2017

Item: *PEARLCREST ESTATES SUBDIVISION (O-2315)*

Three-lot subdivision of two existing parcels, that together total 1.5751 acres, and are located in the RG zoning district.

West side of S. Main Street, approximately 50 feet south of Cardell Street; east side of the railroad right-of-way

Reason for Referral:

S. Pearl Street (NYS Route 304), Muddy Creek, S. Main Street/Gilbert Avenue (CR 20), Federal wetlands

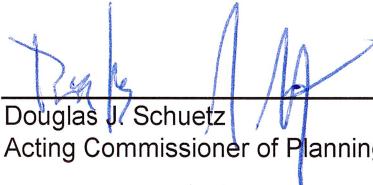
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 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.
- 2 As indicated in the March 20, 2017 letter from the Rockland County Drainage Agency, the proposed subdivision is within their jurisdiction, and that a permit or a determination is required.
- 3 The comments in the March 16, 2017 letter from the Rockland County Department of Health must be met.
- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 5 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.

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- 6 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.
- 7 Sewer and water easements have been illustrated on the subdivision plan. In addition, two conservation easements are shown. However, no cross access or utility easements have been depicted on the subdivision plat. Since proposed Lot #1 is landlocked, easements must be provided for both utilities and access. All required easements must be illustrated on the subdivision plat, and all deductions for lot area must be factored in for the net lot area.
- 8 Our GIS maps indicate that there are Federal wetlands on both lots. The boundary area for these wetlands must be depicted on the subdivision plat. Any lands within these wetland areas must be deducted for the net lot area.
- 9 It is not indicated if the proposed access will be private or public. This must be clarified. If this access is to become a public right-of-way, then the land area which comprises this egress/ingress must be calculated, and deducted from the total lot area.
- 10 The tax map information for tax lot 68.20-5-70 is incorrectly listed under the General Notes as lot 38.20-5-20. In addition, General Note #3 must be corrected to read Section 239N, as this is a proposed subdivision. These errors must be corrected.
- 11 The Vicinity Map must contain a north arrow and scale.
- 12 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
Rockland County Drainage Agency
Rockland County Department of Highways
Rockland County Department of Health
United States Army Corps of Engineers

Civil Tec Engineering & Surveying PC

**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.