Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 20, 2018

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.11-2-70

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 1/15/2017 **Date Review Received:** 5/23/2018

Item: ***MALONEY SUBDIVISION (O-2310A)***

Two-lot subdivision of .84 acres in the R-15 zoning district. Variances are required for floor area ratio, and building height for proposed lot #1, and street frontage for proposed lot #2 to implement the subdivision.
South side of Fisher Avenue, approximately 485 feet west of Laurel Road

Reason for Referral:

Village of Chestnut Ridge

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 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

3 The Village of Chestnut Ridge is the reason this proposal was referred to this department for review. The municipal boundary is 165 feet west of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Chestnut Ridge must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.

4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

6 The lot area provided under the Notes section must be corrected to reflect that the total site is .84 acres.

7 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 Chris Day, Orangetown
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Department of Highways

Jay A. Greenwell, PLS, LLC
Village of Chestnut Ridge 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.