



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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**Douglas J. Schuetz**

*Acting Commissioner*

**Arlene R. Miller**

*Deputy Commissioner*

October 29, 2018

Orangetown Planning Board

21 Greenbush Road

Orangeburg, NY 10962

**Tax Data:** 71.05-2-29

71.05-2-24

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 4/18/2018

**Date Review Received:** 10/12/2018

**Item:** *RUBANO SITE PLAN (O-2360)*

Site plan for the proposed construction of a single-family dwelling located on .178 acres (gross), and within the RG zoning district and Critical Environmental Area. Variances will be required for lot area, front yard, and rear yard for the proposed construction.

East side of US Route 9W and South Broadway, west side of the Erie Lackawanna Railroad right-of-way, opposite Old Mountain Road, and south of the intersection of South Broadway with the railroad right-of-way

### Reason for Referral:

US Route 9W, Old Mountain Road (CR 28), Village of Grand View-on-Hudson, River Road (CR 1)

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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 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 Grand View-on-Hudson is one of the reasons this proposal was referred to this department for review. The municipal boundary touches the southeastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.

**RUBANO SITE PLAN (O-2360)**

- 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.
- 7 The site plan must include map notes which include district information.
- 8 The site plan labels the street in front of the property as NYS Route 9W. At this location, it appears that the State highway veers to the left, and the road is South Broadway. This must be verified.
- 9 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Department of Health  
  
Anthony R. Celentano P.L.S.  
Village of Grand View-on-Hudson 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.*