

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

October 7, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.19-1-33

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

Map Date: 9/10/2019

Date Review Received: 9/11/2019

Item: *GORDON GRADING PLAN (O-2389)*

Grading plan to add two feet of fill to the rear yard in order to make it level and install a six foot fence. The parcel is located on 1.4 acres in the R-15 zoning district.

West side of South Greenbush Road, approximately 410 feet south of Spruce Street

Reason for Referral:

South Greenbush Road (CR 11), Spruce Street & Clausland Mountain Road (CR 28), Sparkill Creek, Clausland Mountain Park, 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 A review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Highway Department in their letter of September 19, 2019.
- 3 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 4 It appears that there will be regrading and encroachments into the federal wetlands. A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 5 The regrading must be redesigned so as to be kept out of the federal wetlands.

GORDON GRADING PLAN (O-2389)

- 6 The regrading and fill is proposed on the adjacent lot, 70.19-1-32. This fill must be removed, or written permission must be obtained from the owner of said lot, to allow the placement of fill. If fill will be placed on the adjacent parcel, then an additional permit may be required for this adjacent parcel.
- 7 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 Standards for Urban Erosion and Sediment Control. This is especially important as the proposed regrading and silt fence erosion control devices are located within very close proximity to the federal wetlands.
- 8 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 9 The site plan shows the silt fence is placed uphill of the edge of fill. This must be relocated so that it is down grade from the edge of fill.
- 10 The location of the proposed fence must be shown on the site plan.
- 11 The area to be regraded shall be clearly delineated in the field to ensure compliance with the placement of the fill.
- 12 A conservation easement should be placed on the western portion of the site so that the environmentally sensitive lands are left in their natural state.
- 13 Trees that are to be removed must be shown as such on the site plan. A symbol for these trees must be illustrated in the legend.
- 14 The symbols for the 100-year floodplain and wetland boundaries must be added to the legend.
- 15 The site plan shall include map notes that list all appropriate information, including the district details. The applicants engineer has been reminded of the importance of including such details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
United States Army Corps of Engineers

Anthony R Celentano P.E.

Abigail Gordon

**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.*

GORDON GRADING PLAN (O-2389)

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.

