

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 26, 2019

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: 3/18/2019

Date Review Received: 3/26/2019

Item: *PEARL CREST SUBDIVISION (O-2315A)*

Three lot subdivision of two parcels that total 1.5751 acres and are located in the RG zoning district. Three single-family dwellings are proposed on each lot. Variances are required for lot width for lots 2 and 3, street frontage for all three lots, and 280-A (frontage on a public street) for lot 1. West side of S. Main Street, east side of the railroad right-of-way, and approximately 46 feet south of Cardell Street

Reason for Referral:

NYS Route 304 (Pearl Street), S. Main Street (CR 20), Muddy Creek, federal wetlands

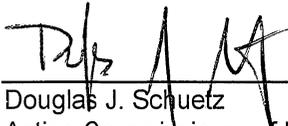
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the County of Rockland Drainage Agency and any comments addressed, and permits obtained.
- 2 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.
- 3 The comments in the April 8, 2019 letter from the Rockland County Highway Department must be met. All required permits must be obtained.
- 4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed and required permits obtained.
- 5 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.

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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 All undisturbed areas, especially the areas within the wetlands, should be put in conservation easements and indicated in the deed so that the future property owners will know what limitations there are on the lot.
- 8 To help protect the wetlands, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance of the site. Soils outside the construction envelope shall not be disturbed.
- 9 A 10' wide ingress/egress and utility easement is provided on the plans between lots 1, 2, and 3 along the eastern boundary of the southern portion of the property. The necessity for this easement must be clarified since two significant turnaround areas are also proposed for access purposes.
- 10 According to Note 16 in Chapter 43, Attachment 18 (43r), the lot area must be reduced not only for the land within the wetland area, but also for any easements for sanitary or storm sewers, drainage, or access. The lot area calculations must be updated to reflect the deductions for these easements.
- 11 A stormwater detention system is proposed on lots 1 and 2 in the turnaround area. No easement has been indicated for this area or these features. A utility and access easement must be provided over lot 2 for lot 1.
- 12 It must be indicated who will be responsible for maintaining the underground stormwater feature on lots 1 and 2. A maintenance agreement must be in place for this facility.
- 13 A separate driveway is proposed for lot 2 from the main access easement. Since a turnaround/driveway access is being provided to serve lot 1, access for lot 1 should also be located from this turnaround/driveway to help reduce the amount of impervious surface.
- 14 The Project Narrative indicates that 100,000 sq. ft./lot is required in the RG zoning district. This must be corrected to 10,000 sq. ft./lot.
- 15 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 16 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 Highways
Rockland County Department of Health
New York State Department of Transportation
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.*

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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.

