Rockland County

Ed Day, Rockland County Executive

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

February 8, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.15-1-72

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 11/29/2018

Date Review Received: 1/8/2019

Item: ***SCHNEIDER MINOR SUBDIVISION (O-2367)***

Two-lot subdivision of a 1.3-acre parcel located in the R-15 zoning district. A flag lot is proposed to be created, and variances will be required for street frontage and front yard for lot #1.
West side of Van Wardt Place, approximately 375 feet south of Oak Tree Road

Reason for Referral:

Sparkill Creek, Main Street (CR 15)

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 The comments in the January 16, 2019 letter from the Rockland County Highway Department must be met.

2 The comments in the January 28, 2019 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.

3 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.

4 As indicated in the February 6, 2019 letter from the Rockland County Department of Health, an application must be made to them to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

5 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.

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

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7 The designated floodplain administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

8 The bulk table measurements for the front yard, side yard, and total side yards seem to be reversed. In addition, the narrative indicates that a variance will be required for rear yard, but the bulk table does not reflect such. The bulk table and narrative need to be amended to reflect the correct measurements/variances for each lot.

9 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 Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

Jay A. Greenwell, PLS, LLC

**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.