

**DEPARTMENT OF PLANNING**  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 17, 2020

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 78.18-1-3.1-2

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 8/3/2020

**Date Review Received:** 8/4/2020

**Item:** ***BERGSON SUBDIVISION - LOT #3.1-2 (O-839M)***

Site plan for the construction of a 6,100 SF single-family dwelling and swimming pool located on 3.28 acres in the R-80 zoning district. The existing 986 SF cottage will remain and be renovated as a workspace.

East side of US Route 9W, west side of Woods Road, south side of Tallman Mountain State Park

**Reason for Referral:**

Tallman Mountain State Park, Long Path Regional Hiking Trail, 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 Department of Health, any comment or concerns addressed, and any required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 3 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 4 A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 5 As per the Table of General Use Regulations for the R-80 zoning district, offices or recording studios are not permitted accessory uses. Therefore, the existing single-story structure must not be permitted to remain, or a variance will be required to allow it to be used as such.
- 6 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 Standards for Urban Erosion and Sediment Control.

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- 7 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 8 The area to be regraded shall be clearly delineated in the field prior to construction/grading to ensure the area beyond the limit of disturbance is not disturbed.
- 9 It must be clarified as to how many stories the proposed dwelling will be. The site plan indicates it is two-stories while the project narrative states it will be one-story.
- 10 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
New York - New Jersey Trail Conference  
New York State Department of Environmental Conservation  
Palisades Interstate Park Commission  
Rockland County Department of Health  
United States Army Corps of Engineers  
  
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.*