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

March 24, 2016

Pomona Planning Board
100 Ladentown Road
Pomona, NY 10970

Tax Data: 25.09-1-2.20

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/17/2016 **Date Review Received:** 2/26/2016

Item: ***HALLEY ESTATES II - LOT 12 (POM-29H)***

Site plan for the proposed construction of a single-family dwelling located on steep slopes, and in the R-40 zoning district located on 4.4593 (gross once the subdivision is approved).
Northwest end of the cul-de-sac on Cornell Peak

Reason for Referral:

Call Hollow Road (CR 75), Town of Haverstraw

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 As indicated in the March 11, 2016 letter from the Rockland County Department of Highways, since the site is within 500 feet of Call Hollow Road, a County highway, a work permit is required.

2 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.

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

4 The limit of the conservation area must be marked in the field to prevent any potential future encroachment into this area, particularly since a pool and play area are noted to be proposed in the future. We recommend that a low stone wall, or vegetation line be installed to help mark the boundary.

5 The street name on the site plan is listed as Cornell Court; our records indicate that it is named Cornell Peak. This discrepancy must be corrected.

HALLEY ESTATES II - LOT 12 (POM-29H)

6 A bulk table must be added to the site plan to ensure that no variances are required for construction of the proposed dwelling. The bulk table should include both required and proposed measurements, and gross and net lot area.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Brett Yagel, Pomona
Rockland County Department of Highways
Atzl, Nasher & Zigler P.C.
Town of Haverstraw

**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.