Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 25, 2016

Pomona Planning Board
100 Ladentown Road
Pomona, NY 10970

Tax Data: 24.16-1-35

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/17/2016 **Date Review Received:** 6/28/2016

Item: ***HALLEY ESTATES II - LOT 35 (POM-29L)***

Site plan for the proposed construction of a single-family dwelling located on 1.77 acres in the R-40 zoning district. Site plan review is required because the parcel meets the Steep Slope Law.
West side of Klingher Court, opposite Cornell Peak

Reason for Referral:

Call Hollow Road (CR 75), Town of Haverstraw, Mahwah River

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 Highways and all concerns addessed and all required permits obtained.

2 A review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.

3 A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.

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4 The Town of Haverstraw is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the centerline of Call Hollow Road, directly adjacent to the site to the west. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Haverstraw must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 A conservation easement is delineated on the map. This area is further west than the noted clearing limit line. The conservation easement should be expanded to coincide with the clearing limit line to ensure that encroachment into this fragile ecosystem does not occur. In addition, the clearing limit line and the conservation easement area must be clearly delineated in the field prior to any grading or construction on site. All regrading and structures must be kept out of the conservation easement. In addition, the conservation easement must be notated in the deed so that the future property owners will know what limitations there are on the lot.

6 The vicinity map illustrates a line drawn through the approximate mid-section of the site, which seems to coincide with the conservation easement boundary. It must be notated what this line represents. Is this an Orange and Rockland Utilities Inc. easement, which is listed in the Note section? This must be clarified.

7 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.

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

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Brett Yagel, Pomona
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

Atzl, Nasher & Zigler P.C.
Town of Haverstraw Planning Board

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**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.