

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

March 24, 2016

Pomona Planning Board
100 Ladentown Road
Pomona, NY 10970

Tax Data: 25.09-1-2.2 25.09-1-2.20

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 2/17/2016

Date Review Received: 2/26/2016

Item: *HALLEY ESTATES II - LOT LINE CHANGE LOTS 12 & 13 (POM-29F)*

Re-subdivision of two lots into two new lot configuration for a total of 14.80 acres in the R-40 zoning district. Tax Lot 25.09-1-2.20 is currently 1.04 acres, and is proposed to be increased to 4.4593 gross acres, with a 2.7-acre conservation easement. Tax Lot 25.09-1-2.2 is currently 13.71 acres, and will be reduced to 10.338 acres, with 5.292 acres in a conservation easement.

East side of Call Hollow Road, north end of Klingher Court; Northwest end of the cul-de-sac on Cornell Peak

Reason for Referral:

Town of Haverstraw, Call Hollow Road (CR 75), Harriman State Park

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 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.
- 2 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3 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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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 western property line of Tax Lot 25.09-1-2.2, within the centerline of Call Hollow Road. As required under Section 239nn of the State General Municipal Law, the Town of Haverstraw must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Pomona.

5 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.

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



Douglas V. Schuetz
Acting Commissioner of Planning

cc: Mayor Brett Yagel, Pomona
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Palisades Interstate Park Commission
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.