

KLEIN/TOWN OF RAMAPO (R-2624)

4 The Sewer District's November 21, 2017 letter indicates that a three-family residence with three accessory apartments is proposed on Lot 50.17-1-2. It also notes that the site is within an Environmentally Sensitive Area (ESA) as designated by the United States Environmental Protection Agency. Therefore, a waiver is required from the EPA and New York State Department of Environmental Conservation to permit a sewer connection for this property.

5 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

6 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

7 The November 21, 2017 memorandum from the Town of Ramapo Department of Public Works raises several questions about this subdivision proposal that are not addressed in the application materials. An easement may be required for the turnaround area at the terminus of Vincent Road, and for Town access to the spillway and public utilities. The need for these easements must be clarified.

8 A utility pole and overhead lines are currently within the public right-of-way area to be sold. This land transfer will result in these utility features being located on private property. A review must be completed by Orange and Rockland Utilities.

9 Since the owner of Lot 50.17-1-2 also owns the adjacent lot to the east (50.17-1-1), the environmental impact of any development plans for these parcels must be considered at this time.

10 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.

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

12 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

13 It is unclear why 15 Vincent Road is referenced in the project narrative, subdivision plat and GML referral forms. It is our understanding that the address of the private property included in this subdivision application is 33 Vincent Road. This must be clarified. If the proposed subdivision does not include 15 Vincent Road, all references to that address must be eliminated.

14 The Short Environmental Assessment Form (SEAF) incorrectly references Lot 50.17-1-1 as the project location. The brief description of the proposed action is also inaccurate in that the land area to be sold is significantly less than what is indicated on the map. Questions 3a, 3b and 3c are answered incorrectly. Given the Federal ESA designation, the presence of Federal and State wetlands and FEMA flood zone designation, the SEQRA documents must be accurate.

15 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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16 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Drainage Agency
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Federal Emergency Management Agency
United States Environmental Protection Agency
Rockland County Sewer District #1
Rockland County Department of Health
Orange and Rockland Utilities

Tectonic Engineering & Surveying Consultants P.C.
Village of Spring Valley

Michael Klein, Town Attorney

**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.

