

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

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

April 10, 2018

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 38.15-1-7

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 1/2/2018

**Date Review Received:** 3/1/2018

**Item:** *WATCHTOWER (R-2642)*

Four-lot subdivision of 3.263 acres in the RR-80 zoning district. A 50-foot portion of land will be added to each of three parcels with frontage on Navajo Trail in the Village of Sloatsburg.  
Northeast side of Sterling Mine Road, approximately 170 feet northwest of Arcadia Court

**Reason for Referral:**

Sterling Mine Road (CR 72), Village of Sloatsburg, Nakoma Brook, 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 The Village of Sloatsburg is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. The proposed subdivision will increase the lot area of three parcels within the Village of Sloatsburg. 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 Village of Sloatsburg 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

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of countywide concern noted above that directly impact the Village of Sloatsburg must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 The applicant shall comply with the conditions of the Rockland County Health Department's letter of February 14, 2018.
- 3 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.
- 4 A review shall be completed by the Rockland County Drainage Agency, and any required permits obtained.
- 5 The applicant shall comply with the conditions of the Rockland County Sewer District #1's letter of February 14, 2018.
- 6 The subdivision plan shall include a bulk table with the RR-80 standards to ensure that Lot 1 complies with the bulk requirements.
- 7 The Federal wetlands along the northwest boundary of the property shall be shown on the subdivision plan.
- 8 The municipal boundary shall be indicated on the subdivision plan.
- 9 A north arrow shall be provided on the vicinity map, particularly since the subdivision plan is oriented differently. It shall also include a scale.
- 10 The acreage indicated in Question 3 on the Short Environmental Assessment Form (EAF) is incorrect. The parent parcel is 3.263 acres. All application materials must be consistent. The public hearing notice will have to be reissued if it contained inaccurate information.
- 11 A Short EAF was included in the March 1, 2018 GML referral submitted to this department. The April 2, 2018 Notice of Intent to be Lead Agency contained a Full EAF. As noted in the Town's Lead Agency Notice and the Health Department's letter of February 14, 2018, a realty subdivision is a Type I action requiring a Full EAF. Future submissions must only include a Full EAF.
- 12 The New York Department of Environmental Conservation website includes an EAF Mapper Application which generates partially filled-in EAFs. The mapper application was not used to prepare the Full EAF included with the Lead Agency Notice. Several questions in Section E.2. are answered incorrectly. Other questions, throughout the document, are answered incompletely. The Full EAF must be regenerated using the mapper application so that questions about known environmental features are answered correctly. If additional information is required, it must be provided. The revised Full EAF must be submitted for our review.
- 13 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.
- 14 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.

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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
United States Army Corps of Engineers

Michael E. Miele, P. E.  
Village of Sloatsburg

Watchtower Bible Track Society of New York

Mona Montal, Chief of Staff

*\*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.*

