

**DEPARTMENT OF PLANNING**

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

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

August 14, 2019

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 38.15-1-4

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

**Map Date:** 6/26/2019

**Date Review Received:** 6/28/2019

**Item:** *MAINWAY SUBDIVISION (R-1527K)*

Twelve-lot cluster subdivision of 26.24 acres in an RR-80 zoning district. Lots 1 through 10 will be developed with single-family residences; Lot 11 will serve as a detention basin for the residential subdivision. The remaining 16.54 acres will comprise Lot 12 and will be preserved as open space. Southwest side of Sterling Mine Road, approximately 160 feet northwest of Arcadia Court

**Reason for Referral:**

Sterling Mine Road (CR 72), Nakoma Brook, Village of Sloatsburg, Orange Turnpike (NYS Route 17)

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 applicant must comply with the conditions of the Rockland County Highway Department's letter of July 3, 2019.
- 2 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 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 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 5, 2019.
- 5 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of July 1, 2019.

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6 The Village of Sloatsburg is one of the reasons this proposal was referred to this department for review. The municipal boundary runs through the northwest corner of the site. 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 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.

7 The June 12, 2017 Conventional Layout Plan shows ten parcels with net lot areas ranging from 80,285 SF to 158,988 SF. While each parcel meets the minimum lot area requirement of 80,000 SF and no bulk variances are needed, Lots 4, 5, 6, 7, 8 and 9 are bisected by the existing road network providing access to Pierson Lakes. In addition, the driveways providing access to Lots 9 and 10 from Arcadia Court are long and meandering due to the very steep slopes on the eastern side of the site. The number of lots derived in a conventional layout must consist of developable and marketable parcels. We question whether Lots 4 through 10 satisfy this criteria. The Planning Board resolution (#2018-68) accepting this layout must be provided for our review so we can determine whether these issues were considered.

8 A GML referral was required for the conventional layout plan. Given the site's frontage on a county road and the proximity of the proposed subdivision road to the existing Pierson Lakes access road, a review of the standard layout by this department was warranted. A shared access from the existing road must be considered.

9 A review of the subdivision drawings must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Sloatsburg Fire District to ensure that fire trucks and other vehicles can safely maneuver on the proposed access road, as well as the individual driveways, in the event an emergency arises. Particular attention shall be paid to Sheet 6 of 15 (Profile and Truck Turning Path.) The secondary access between Lots 4 and 5 must also be evaluated.

10 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code. A

11 All major subdivisions, i.e., those with three or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities. A Long EAF must be provided with any 3-lot or greater subdivision.

12 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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- 13 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 14 Clearing limit lines must be shown on the plans, and the area delineated in the field prior to any construction or grading on site.
- 15 In order to prevent any further development of the steep slopes comprising Lot 12, we recommend that this parcel be designated as a conservation easement area. This designation shall be included in the General Notes on Sheet 1 of 15, as well as the deed for the property.
- 16 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
- 17 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 18 The lighting plan shall demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 19 The proposed monument sign shall conform to all Town signage requirements and setback standards.
- 20 Sheet 1 of 15 (Cover Sheet) includes a list of six waived requirements. It is unclear if the Planning Board has previously waived these requirements or if the waiver request is part of this application. Clarification must be provided.
- 21 The General Notes shall include a note stating that "the plat does not conflict with the County Official Map and has been approved in the manner specified by Section 239N of the General Municipal Law."
- 22 General Note 2 specifies that the area of the tract in the Town of Ramapo is 26.24 acres with .56 acres in the Village of Sloatsburg. This is consistent with the tax lot information in our GIS database. The project narrative indicates that the total parcel area is 28.80 acres. All application materials must be consistent.
- 23 General Note 7 must be corrected to indicate that parcel is within the Sloatsburg Fire District.
- 24 General Note 25 on Sheet 1 of 15 indicates that Lot 11 will be owned and maintained by a private entity. Note 3 on Sheet 4 specifies that the stormwater management facility will be owned and maintained by the Town of Ramapo. All application materials must be consistent. The ownership of and maintenance responsibility for Lot 11 must be clarified.
- 25 General Note 25 on Sheet 1 of 15 indicates that Lot 12 will be owned and maintained by a private entity. A note on the Layout and Dimension Plan (Sheet 3 of 15) specifies that Lot 12 will be dedicated to Potake Lake, LLC as open space. All application materials must be consistent. The ownership of Lot 12 must be clarified. Given that the intent is to preserve it as open space, we recommend that a deed restriction be in place to preclude any future development on this parcel.
- 26 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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27 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  
New York State Department of Transportation  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Sloatsburg Fire District  
  
DW Smith Associates, LLC  
Village of Sloatsburg

Byron-Hill Homebuilders New Jersey, LLC

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.*