Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 31, 2017

Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Tax Data: 19.01-2-13.1 - 13.9

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 12/8/2016 **Date Review Received:** 1/4/2017

Item: ***BLANCHARD HOLLOW (AKA JESSUPS NORTH) (SP-728A)***

Eight-lot subdivision of 14.6 acres in the RR zoning district. An average density plan is proposed. West side of Palisades Interstate Parkway, east side of Conkling Drive terminus, and north side of Jessup Lane terminus

Reason for Referral:

Palisades Interstate Parkway

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 Palisades Interstate Park Commission and any comments or concerns addressed.

3 In the previous subdivision application, the Rockland County Department of Highways raised some concerns regarding the utilization of the private roads to access the public highway, Willow Grove Road, which is a county highway. A review must be completed by the Rockland County Department of Highways and any comments or concerns addressed.

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4 The County Planning Department is concerned with the number of dwellings on a private road, emergency access to the dwellings and maintenance of the private road. The Town shall determine if the number of homes on the private road is in excess of what is allowed in the Town code, and whether it is necessary to make the road a public road. If the road is not to be public, then the Town shall enforce a maintenance agreement between all landowners. Additionally, the Town shall determine if there is sufficient emergency access to all residents along Jessup Lane, proposed Burghardt Drive and the 16.5 foot and 50 foot right-of-ways.

In addition, the Town of Stony Point Code stipulates that private dead end streets shall serve no more than 4 families. The proposed subdivision is showing a cul-de-sac serving 8 dwellings. The Town shall determine if the proposed cul-de-sac will actually be considered a dead end road, since there is a proposed 50 foot right-of-way to connect to an existing 16.5 foot and 50 foot right-of-way. All of these issues shall be resolved prior to approval of the proposed subdivision.

5 The applicant must indicate whether the proposed cul-de-sac road is to be public or private. The design of the road, and the ingress/egress to the site, must be reviewed to ensure that emergency vehicles can safely access the new lots.

6 The bulk table should be expanded to include the measurements for each individual proposed lot.

7 The comments in the January 9, 2017 letter from the Rockland County Department of Health must be met.

8 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.

9 All major subdivisions, i.e., those with five 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. (Stop comment here.

10 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.

11 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.

12 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: Supervisor Jim Monaghan, Stony Point
Palisades Interstate Park Commission
Rockland County Department of Health

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Rockland County Drainage Agency

Rockland County Department of Highways

Atzl, Nasher & Zigler P.C.

**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.