

**DEPARTMENT OF PLANNING**

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

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

January 9, 2018

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

<b>Tax Data:</b> 19.01-2-13.9	19.01-2-13.8	19.01-2-13.7
19.01-2-13.6	19.01-2-13.5	19.01-2-13.4
19.01-2-13.3	19.01-2-13.2	19.01-2-13.1

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

**Map Date:** 11/7/2017

**Date Review Received:** 12/13/2017

**Item:** *BLANCHARD HOLLOW (SP-728B)*

An average-density subdivision application to create nine lots (eight buildable, one non-buildable) on 14.6 acres in the RR zoning district, with 6.5 acres to be placed in a conservation easement. Western side of the Palisades Interstate Parkway, east of the Conklin Drive terminus, and north of the 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:

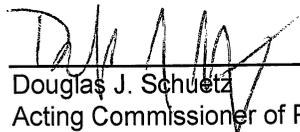
***\*Recommend the following modifications***

1 A previous application submitted to this department for review, dated December 8, 2016, proposed locating all eight lots to the south of the Orange & Rockland Utility easement. This average density layout now illustrates two lots north of the easement. In order to access the usable portions of these lots, lots 5 and 6 have been designed with significant accessways, which cross the 120-foot wide easement. This long distance will require significant investments in electric, water, and sewer infrastructure, as well as require extensive regrading of the steeply sloped area. In order to minimize the investment in infrastructure and disturbance to the environment, the Town must consider requiring all lots be located to the south of the utility easement, as was shown in the December 8, 2016 plan. Alternatively, lot 8 appears to be large enough to accommodate two parcels. The Town must also consider reconfiguring the lots to move one of the lots to the southern side of the easement.

2 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.

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- 3 A review must be completed by the Palisades Interstate Park Commission and any comments addressed.
- 4 All comments made in the December 20, 2017 letter by the Rockland County Department of Health must be complied with.
- 5 Because all traffic generated by this subdivision will, by necessity, be directed onto Willow Grove Road (CR 98), and because of concerns with previous applications, a review must be completed by the Rockland County Highway Department, and any concerns addressed.
- 6 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. 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. RCDOH must also review and approve all public water supply improvements, e.g., water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 8 Since the revised layout is proposing to cross the Orange & Rockland utility easement, a review must be completed by them and any comments or concerns addressed.
- 9 Since lot 9 is listed as an unbuildable lot, it must be indicated as to who will be responsible for maintenance of the lot.
- 10 The direction indicated by the north arrow in the vicinity map does not match that of the north arrow in the site plan. The incorrect north arrow must be identified and corrected.
- 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.
- 13 Stony Point regulations state that private dead-end road must serve no more than four lots. As the proposed road will serve all eight buildable lots, the applicant must specify that Burghardt Drive will become a public road.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point  
Palisades Interstate Park Commission  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Department of Highways

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Orange and Rockland Utilities

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.*

