



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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December 4, 2018

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

Tax Data: 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: 10/30/2018

Date Review Received: 11/1/2018

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

Eight-lot average density subdivision of 14.6 acres in the RR zoning district. A small portion of the southeastern land, south of the cul-de-sac road, will be made part of tax parcel 19.01-2-17, and a large portion of Lot #4 will be placed in a conservation buffer.

West 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 reference to the standard layout subdivision used to determine the lot count must be provided in order for the average density subdivision to be accepted. Our records indicate that the only standard layout that has been submitted for this land, and reviewed by the County Planning Department, was in 2003 with plans from Anthony R. Celentano P.L.S. It is not clear if this layout is what was used to determine the lot count for the average density subdivision now being proposed. This must be clarified, and the standard layout subdivision used for the lot count be provided in the map notes, or elsewhere on the plans, with a copy sent for reference.

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2 The Standard Map Notes on Drawing No. 1 of 9 indicate that all houses will be served by individual subsurface disposal systems in Map Note #10. Further in the notes section, Map Notes 11 and 15 discuss sanitary sewers. Map Note #17 again references a subsurface disposal system for the lots. No utility plans were provided with the application, so it is difficult to determine what type of utilities are proposed given the discrepancies noted above. It must be clarified as to whether the individual lots will connect to the public sewer system, or whether each lot is proposed to have its own subsurface disposal system.

3 The use table for the RR zoning district establishes different use groups based on whether the detached residence is connected or not to municipal sewer and water service. Furthermore, there are two parts to the Town of Stony Point bulk requirements; Part I is for properties for which preliminary approval had been granted at the time of the adoption of the amendments, which was in April 1997, and Part IA for projects which occur after April 1997. In reference to Comment #2, the lot area is dependent on whether utilities are provided. If no public utilities are available, then the lot area is most restrictive, requiring 60,000 sq. ft. lots. If one utility is available, then the lot area requirement is reduced to 50,000 sq. ft., and if both are provided, the lot area is reduced to 45,000 sq. ft. Typically average density developments are permitted to go down one class level in the zoning district, using those bulk standards for the development. The R-1 zoning district is the next zoning district classification under the RR zoning district. The bulk standards in the bulk table however, do not seem to coincide with the use group in the R-1 zoning district. It is unclear where the standards were derived in the bulk table for the proposed average density subdivision. In addition, the standards provided for the existing RR zoning district are from the Table of Bulk Requirements, Part I, not Part IA. The correct standards must be shown in the table for the existing zoning district, and clarification must be provided as to where the standards were derived for the average density bulk requirements.

4 A legend is provided that shows existing and proposed features for the site. Included in the legend are symbols for proposed symbols that are not shown on any of the drawings, such as gas and valves, sewer house connections, or fire hydrants. The plans must show all symbols listed in the legend, or the legend be updated to accurately depict what is proposed.

5 The erosion and sediment control plan depicts only two areas where silt fences are proposed. Given the extreme steepness of the site, and the likelihood that most of the vegetation will be removed where the proposed dwellings and roadway are to be located, more extensive soil and erosion control measures must be installed. This should entail, not only silt fencing, but other devices that have proved to be successful in preventing the erosion on steep slopes. This is especially critical in the areas that are proposed to be regraded more steeply, such as the northwestern areas of lots 5 and 6.

These devices must be in place 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 Guidelines for Urban Erosion and Sediment Control.

6 Stony Point regulations state that a 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.

7 It must be indicated that the owner of tax parcel 19.01-2-17 is willing to accept the additional land from the land area created with the proposed roadway configuration. A map note must be provided as to how this land will be conveyed. If accepted, the deed for this parcel must be updated, the lots merged, and filed with the Rockland County Clerk.

8 Subdivisions are one method to show an intended lot line change between two or more parcel owners. However, once a subdivision has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the Rockland County Clerk.

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9 The direction indicated by the north arrow in the vicinity map does not match that of the north arrow in the site plan, and appears to be shown incorrectly. The vicinity map north arrow's location must be corrected.

10 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.

11 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

12 An updated review must be completed by the Rockland County Department of Health, and all required permits obtained.

13 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.

14 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.

15 If public sewer mains will be extended, then a review must be completed by the Rockland County Department of Health prior to construction.

16 The Stony Point Fire Department or the Rockland County Office of Fire and Emergency Services must review the proposed subdivision to ensure that accessibility is possible given the narrow road configurations to access the northern section. In addition, they must determine that adequate water supply and pressure is available for fire fighting purposes. Finally, the location of any proposed fire hydrants must be reviewed and approved.

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

18 A utility plan, landscaping plan, and improved soil erosion and sediment plan must be provided.

19 According to Section 197-27A.(2), three percent of the land area must be reserved for recreation purposes. The area to be maintained for recreational use must be clearly identified. If recreational land is not to be reserved, then money in lieu of land must be provided by the applicant.

20 A tree identification plan identifying those trees to be removed and to be retained must be provided. Trees to remain must be clearly marked in the field prior to any grading on construction on the site, to ensure their preservation. This is especially critical given the steepness of the site. Sections 198-4 and 198-5 outline requirements for tree removal, and must be adhered to.

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- 21 The conservation area must be clearly delineated in the field. In addition, deed restrictions and map notes must be in place to ensure that all parties are knowledgeable about what can and cannot be done within the conservation buffer area. Lastly, the deed must indicate that this area cannot be further subdivided in the future.
- 22 Map Note #10 should be corrected to read "subsurface disposal system."



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor Jim Monaghan, Stony Point
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Department of Highways
Orange and Rockland Utilities
Rockland County Office of Fire and Emergency Services
Stony Point Fire District

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.