

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 14, 2017

Suffern Planning Board
61 Washington Avenue
Suffern, NY 10901

Tax Data: 48.69-1-80

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 6/7/2017

Date Review Received: 6/9/2017

Item: *PEHA SUBDIVISION (SU-344B)*

Proposed two-lot subdivision of .8131 acres in an R-7.5 zoning district. An accessory structure on proposed Lot 1 will be used as a residence. A garage will also remain on Lot 1. An existing single-family residence will be retained on proposed Lot 2. Side yard and rear yard variances were granted for existing conditions. An 1,832 SF asphalt area on Lot 1 will be removed and replaced with permeable pavers.

Northeast corner of Memorial Drive and Wayne Avenue

Reason for Referral:

US Route 202 (Wayne Avenue), Mahwah River, NYS Thruway

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 review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 The applicant shall comply with the conditions of the Rockland County Drainage Agency's letter of May 11, 2017. As noted in the letter and 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.
- 3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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4 Section 266-15.N.(2) addresses land under water and is applicable prior to development. It states, "Not more than 50% of the area of that portion of a lot that is proposed to be disturbed may be counted as part of any lot area if subject to the following: ponds; freshwater wetlands regulated by the Army Corps of Engineers; streams under the jurisdiction of the Rockland County Drainage Agency; areas within the Federal Emergency Management Agency designated one-hundred-year floodplain; that portion of any freshwater wetland and any one-hundred-foot control area designated by the New York State Department of Environmental Conservation. No buildings or structures may be located in such areas." Given that a substantial portion of the subject parcel is within the 100-year floodplain, 50 percent of this land area must be deducted from the minimum lot area for Lot 2. A net lot area calculation must be provided on the map.

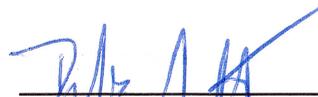
5 The June 7, 2017 project narrative states that necessary easements and maintenance agreements will be prepared and filed with the Rockland County Clerk. The cross easements must be shown on the site plan, and referenced in the map notes. The site plan must also contain a map note with details about any required maintenance agreements.

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

6 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.

7 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.

8 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Edward Markunas, Suffern
New York State Department of Transportation
Rockland County Drainage Agency
New York State Thruway Authority
Rockland County Department of Health
Federal Emergency Management Agency
Brooker Engineering, PLLC

Charles Peha

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**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.

