



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T

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Acting Commissioner

ARLENE R. MILLER
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June 15, 2015

Wesley Hills Planning Board
432 Route 306
Wesley Hills, NY 10952

Tax Data: 32.19-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 5/8/2015

Date Review Received: 5/14/2015

Item: *JOSHUA SCHWARZ (Whi-45c)*

Site plan for a single-family residence proposed on a 1.955-acre site located in an R-50 zoning district. A Village Wetlands Permit is required to relocate two small wetland areas, establish a large conservation easement and to construct the single-family residence within the 100-foot wetlands buffer. East side of Beatrice Road, approximately 200 feet north of Buena Vista Road

Reason for Referral:

Village of Pomona, Town of Ramapo

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 Village of Pomona and the Town of Ramapo are the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along the northern property line of the site; the Ramapo municipal border is approximately 190 feet west 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 Pomona and the Town of Ramapo must be given the opportunity to review the

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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 Pomona and the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the site plan proposal and Wetlands Permit.

2 The applicant must comply with the conditions of the Rockland County Health Department's letter of May 2, 2015.

3 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.

4 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of May 27, 2015.

5 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

6 A review shall be completed by the United States Army Corps of Engineers and any required permits obtained.

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

8 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.

9 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.

10 The conservation easement area must be clearly marked in the field to protect the wetland area during site grading and the construction of the proposed residence.

11 The purpose of the proposed above ground heated structure shown on the plot plan must be clarified.

12 The tax lot mapping records available to this department do not show the Stanley Road right-of-way as part of Tax Lot 32.19-1-1. The Town Assessor's Office has confirmed that 1.4 acres were transferred from the Pomona Heights Homeowner's Association to M & S Real Estate in 2012. The Schwartz plot plan indicates a gross lot area of 1.955 acres. The status of the land area within the Stanley Road right-of-way must be clarified prior to granting subdivision or site plan approval.

13 Lot 32.19-1-22 is crosshatched on the vicinity map on the plot plan as if it is part of the site plan proposal. This must be corrected. The Stanley Road right-of-way must be properly reflected as well, depending on whether it is now part of Lot 32.19-1-1.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Marshall Katz, Wesley Hills
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
United States Army Corps of Engineers
Sparaco & Youngblood, PLLC
Village of Pomona, Town of Ramapo

Joshua Schwarz

**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.

