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December 29, 2025

Village of Montebello

Re: 17 Sterling Forest Lane
Response to GML dated December 11, 2025

To Whom It May Concern:

We offer the following responses:

1 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Code) of the Rockland County Sanitary Code.

An application will be made once approval is granted.

2 The applicant must comply with all comments made by the Rockland County Sewer District No.1 in their letter of November 24, 2025.

We have complied.

3 The subject property is approximately 370 feet east of the Mahwah River, a county regulated stream, and within the 100-foot buffer of its 100-year floodplain. An updated review of the October 30, 2025 site plan must be completed by the Rockland County Drainage Agency. In addition, applicant shall comply with the comments made by them in their letter dated September 30, 2024.

The comments have been addressed. A permit is required as part of any approval.

4 The engineer of record shall certify to the floodplain administrator for the Village of Montebello that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

We will comply.

5 Recent amendments to the New York State Freshwater Wetlands Act, which took effect on January 1, 2025, have expanded the jurisdictional authority of the New York State Department of Environmental Conservation (DEC) to include small wetlands of unusual importance. As a result, wetlands of any size meet the jurisdictional criteria for protection if they possess any of eleven characteristics of unusual importance, including being situated within an urban area, as defined by the US Census Bureau. The DEC Environmental Resources Mapper (<https://gisservices.dec.ny.gov/gis/erm/>) indicates that there are Federal and State freshwater wetlands on the site. Since the property is located within a defined urban area, any wetlands on the site would be subject to DEC regulation. The narrative indicates that a DEC permit application has been submitted. In addition, the Village must be satisfied that the applicant requests a parcel jurisdictional determination from the DEC. If the DEC returns a positive jurisdictional determination, then the applicant must coordinate with regional DEC staff to determine if a wetland permit is needed.

A permit has been obtained from the NYSDEC all ready. The wetlands are DEC wetlands.

6 The Village must be satisfied that the proposal complies with Sections 195-63B (1) and (2).

Comment noted.

7 A review must be completed by the United States Army Corps of Engineers and all required permits obtained. Any Federal wetlands must be delineated on the site plan drawing. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required to verify compliance with State water quality regulations. Issuance of these certifications is delegated in New York State to the NYSDEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and a Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

The permit has been obtained all ready.

8 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.

Comment noted.

9 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.

No overrides are being requested.

10 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The Board may have already addressed this point or may disregard it without any formal vote under the GML process:

10.1 The narrative should be amended to indicate that a variance is required for development coverage. All application materials must be consistent.

It was previously corrected.

Very truly yours,

Paul Gdanski

Paul Gdanski, P.E.