

**DEPARTMENT OF PLANNING**

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

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

April 21, 2016

Grand View-on-Hudson Planning Board  
118 River Road  
Grand View, NY 10960

**Tax Data:** 71.38-1-4

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

**Map Date:** 12/1/2015

**Date Review Received:** 3/25/2016

**Item:** *MIA DeROSA (GV-45B)*

Site plan for the proposed construction of a 124 foot long x 12 foot depth bulkhead along the Hudson River shoreline for an existing residence located in the R-10 (B Zone) on .23 acres. The bulkhead was damaged during Hurricane Sandy, and needs to be replaced to prevent any further damage to the property and residence.

East side of River Road, approximately 1,715 feet south of the Tappan Zee Bridge

**Reason for Referral:**

River Road (CR 1), Town of Orangetown (west of Hader Park, and east of the property line at the mean high tide elevation of the Hudson River)

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 must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 3 A review must be completed by the New York State Department of State, Division of Coastal Zone management, and all required permits obtained.
- 4 A review must be completed by the United States Army Corps of Engineers, and all required permits obtained.

**MIA DeROSA (GV-45B)**

- 5 The Floodplain Administrator for the Village of Grand View-on-Hudson shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 6 The application form indicates that a 124 foot long bulkhead wall is to be constructed on both the Referral Form, the Site Plan Application Form, and in Part B.1.i. Project Description of Part 1 of the Full Environmental Assessment Form (FEAF). However, further in the FEAF in Section C.5. and a note at the end of Part 3, and also on Page 1 of the Application Review Form, it is listed as being 136 feet in length. This discrepancy must be corrected on all forms.
- 7 The General Municipal Law Referral Form lists the Tax Map to be 71.84. This is incorrect and must be changed.
- 8 The State Environmental Quality Review Act forms that are being used by the Village of Grand View are outdated. The New York State Department of Environmental Conservation updated these forms in October 2013. The Village needs to update both the Short and Full Environmental Forms. A link to the location where these forms can be obtained is as follows:  
<http://www.dec.ny.gov/permits/6191.html>.
- 9 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Larry Lynn, Grand View-on-Hudson  
Rockland County Department of Highways  
New York State Department of Environmental Conservation  
New York State Department of State,  
Division of Coastal Zone Management  
United States Army Corps of Engineers  
  
Jess B. Tomelden  
Town of Orangetown

*\*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.*