Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 2, 2017

Grand View-on-Hudson Village Board
204 Hudson Terrace
Piermont, NY 10968

Tax Data:

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

Date Review Received: 9/6/2017

Item: ***VILLAGE OF GRAND VIEW-ON-HUDSON - SPECIAL PERMIT USES (GV-86)***

A Local Law amending the Village of Grand View-on-Hudson zoning law to designate houses of worship and educational uses as special permit uses, subject to approval by the Zoning Board of Appeals, and site plan approval by the Planning Board, and sets forth bulk requirements and standards for each use. Throughout the Village of Grand View-On-Hudson.

Reason for Referral:

County and State roads, Town of Orangetown, Village of Piermont, Village of South Nyack

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 Town of Orangetown and the Villages of Piermont and South Nyack are one of the reasons this local law was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed local law and provide any concerns related to it to the Village of Grand View-On-Hudson.

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 Transportation

Town of Orangetown Planning Board
Villages of Piermont & South Nyack Planning Boards

VILLAGE OF GRAND VIEW-ON-HUDSON - SPECIAL PERMIT USES (GV-86)

**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.