

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 15, 2018

Grand View-on-Hudson Zoning Board of Appeals
204 Hudson Terrace
Piermont, NY 10968

Tax Data: 71.38-1-1

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

Map Date: 1/25/2018

Date Review Received: 4/20/2018

Item: 67 RIVER ROAD (GV-29D)

Variances to permit a two-lot subdivision, and construction of a new single-family dwelling on a parcel located in the R-22 zoning district that consists of 1.66 acres. Required variances include: disturbance of slopes greater than 35%; less than the required street frontage for both lots; and less than the required front and side setbacks for lot 1.

West side of River Road, approximately 1,570 feet south of I-87/287

Reason for Referral:

River Road (CR 1), Town of Orangetown, US Route 9W

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 existing in-ground pool is located in a relatively flat area and is proposed to be removed. Constructing the proposed new single-family residence in that general area will reduce the disturbance to areas of steep slope and the potential for soil erosion while also reducing the need for the variance. The village must consider alternative locations for the proposed structure in order to minimize its environmental impact and the required variance.
- 2 The comments and conditions in the April 25, 2018 letter from the Rockland County Highway Department must be met.
- 3 As indicated in the March 19, 2018 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater system, to ensure compliance with the County Mosquito Code.
- 4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

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5 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary approximately 42 feet west of the site and at the edge of the Hudson River, approximately 140 feet to the east of the site. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Grand View-on-Hudson.

6 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.

7 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.



for Douglas J. Schuetz
Deputy Acting Commissioner of Planning

cc: Mayor Larry Lynn, Grand View-on-Hudson
Rockland County Department of Highways
Rockland County Department of Health
New York State Department of Transportation

Jay A. Greenwell, PLS, LLC
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.