



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 9, 2018

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

Tax Data: 71.70-1-1

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

Map Date: 2/21/2018

Date Review Received: 3/9/2018

Item: *KALIFF - 217 RIVER ROAD (GV-83B)*

A site plan application to construct an in-ground pool, patio, retaining wall, and stairs; install a generator; and renovate a garage for an existing single-family dwelling on 1.50 acres in the R-22 zoning district.

The western side of River Road (CR-1), approximately 950 feet south of Station Road.

Reason for Referral:

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

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 As per the March 14, 2018 letter from the Rockland County Department of Highways, a work permit must be secured prior to commencing any construction activities.
- 2 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 50 feet west of the site and at the edge of the Hudson River, approximately 65 feet 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 site plan and provide any concerns related to the project to the Village of Grand View-on-Hudson.

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5 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.

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

7 General note #6 must be corrected to section 239L&M of the General Municipal Law.

8 The site plan by Atzl, Nasher & Zigler, dated February 21, 2018, indicates that the adjusted lot area of the property is 26,064 square feet and the proposed FAR is 10%. However, the architectural plans by Elizabeth Parks A.I.A., dated March 1, 2018, indicate that the adjusted lot area is 27,786 square feet and the proposed FAR is 24.4%. All materials must be consistent. If the proposed FAR exceeds the allowable limit, a variance must be obtained.

9 The architectural plans provided indicate that there is no proposed change to the height of the garage. However, it appears that a new chimney is proposed. Village regulations include chimneys in their height calculations, which would result in an increase of height for this proposal. A revised height must be provided. If the proposed height exceeds the allowable limit, a variance must be obtained.

10 The site plan indicates that the detached garage has one story. However, architectural plans provided show a proposed addition to the garage to expand the second floor. All materials must be consistent. The site plan must be amended to indicate the garage has two stories.

11 Chapter 8, sections B and C of the village zoning regulations require that no construction be located within 50 feet of a public road or within 10 feet of a property line. The proposed pool is less than 50 feet from the property line along River Road, and the proposed generator at the side of the garage is less than 10 feet from the property line. These structures must be relocated or a variance obtained.

12 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

13 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.

14 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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

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Atzl, Nasher & Zigler P.C.
Town of Orangetown
Elizabeth Parks, A.I.A.

**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.

