



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 19, 2018

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

Tax Data: 75.22-1-7

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

Map Date: 11/5/2018

Date Review Received: 11/19/2018

Item: SANDERS RESIDENCE - GARAGE (GV-88A)

A site plan application to construct a detached garage for an existing single-family residence on 0.54 acres in the B (R-10) zoning district.

The eastern side of River Road, approximately 90 feet north of Stevenson Street.

Reason for Referral:

River Road (CR-1), Town of Orangetown (at the Hudson River), Village of Piermont

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 Village of Piermont are two of the reasons this proposal was referred to this department for review. The Orangetown municipal boundary is along the eastern property line of the site, at the mean high water line of the Hudson River. The Piermont municipal boundary is adjacent to the southern property line. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown and the Village of Piermont 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.
- 2 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of December 4, 2018.
- 3 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.
- 4 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.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

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6 The engineer of record shall certify to the floodplain administrator for the Village of Grand View-on-Hudson that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

7 The 725.5 rear addition was previously approved and is not part of the current application. For clarification purposes, the site plan must be amended to indicate the addition is existing, under construction, or planned; not proposed.

8 Map note 18 on the site plan indicates that a variance is required for steep slope disturbances. The November 7, 2018 letter from the applicant to the Planning Board appears to indicate that an earlier submission had been modified, so that no variance is required. All materials must be consistent, and the Village must determine if a variance is required for this project. If a variance is required, we request the opportunity to review the application, as required by New York State General Municipal Law, Section 239-m (3)(a)(v). If no variance is required, map note 18 must be removed.

9 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.

10 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

Jay A. Greenwell, PLS, LLC
Town of Orangetown Planning Board
Village of Piermont Planning Board

**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.