



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 23, 2019

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

Tax Data: 71.30-1-1

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

Map Date: 8/13/2019

Date Review Received: 10/1/2019

Item: **35 RIVER ROAD - CHEN RESIDENCE (GV-89)**

A side yard variance application to construct a mudroom addition connecting an existing, non-conforming single-family dwelling to an existing, non-conforming detached garage on 1.71 acres (gross) in the R-22 zoning district. The applicant also proposes to expand an existing second floor above the detached garage and perform various renovations to the existing structures.

The western side of River Road, approximately 665 feet south of Bight Lane

Reason for Referral:

River Road (CR-1), Old Mountain Road (CR-28), US Route 9W, 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 In several places, both the site plan and application review form indicate the property has a section number of 71.3, not 71.30. The site plan and application review form must be corrected and the public hearing notice must be re-issued if the incorrect map number was listed.
- 2 The bulk table indicates the property is located within the R-10 zoning district, not the R-22 zoning district. The bulk table must be corrected.
- 3 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of October 9, 2019.
- 4 The Full Environmental Assessment Form does not list the Rockland County Highway Department as a permitting agency. The form must be updated to reflect such.
- 5 The site plan must include a vicinity map with a north arrow and scale, and map notes with district information.

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6 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is adjacent to the rear property line 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 application and provide any concerns related to the project to the Village of Grand View-on-Hudson.

7 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.

8 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 Highways

Michael Lewis Architects PC
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.