

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 31, 2020

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

Tax Data: 71.78-1-11

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/8/2020

Date Review Received: 1/14/2020

Item: *DEMARCO RESIDENCE - 284 RIVER ROAD (GV-82A)*

A variance application to allow the construction of a second story addition to a single-family residence on 0.21 acres in the R-10 zoning district, thereby expanding an existing structure that is non-conforming with regard to the side property line setback.

The eastern side of River Road, approximately 750 feet north of Stevenson Street

Reason for Referral:

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

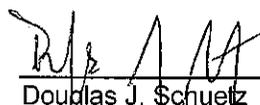
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 As per the Rockland County Highway Department's letter of January 16, 2020, a road work permit must be obtained from them prior to starting any construction activities in the site.
- 2 The site is partially within the FEMA AE flood zone. The designated floodplain administrator for the Village of Grand View-on-Hudson shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 The application review form and site plan indicate that the proposed addition will be 80 square feet. However, the letter by Kier B. Levesque, Architect, dated December 5, 2019, describes the project as consisting of 2 vertical additions with a total area of 282 square feet. It is possible that the additional 202 square feet is located beyond the 20-foot setback and does not require a variance. However, it is unclear where this additional space is located, and a substantial portion of the existing structure is located within the 20-foot setback. The village must clarify if any additional living space is being proposed beyond the 80 square feet indicated in the application review form, identify where it is located, and determine if a variance is required for it. The public hearing notice must be reviewed and, if it contains incomplete or inaccurate information, re-issued.

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- 4 The symbol demarking the line between new and existing construction on the South and East Elevations on Sheet A-3 of the architectural plans by Kier B. Levesque, R.A., dated November 25, 2019, is not consistent with the location of the proposed second floor addition on the site plan by Krypton Engineering, dated January 8, 2020. All materials must be consistent. The South and East Elevations must be corrected.
- 5 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.
- 6 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.



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Acting Commissioner of Planning

cc: Mayor Larry Lynn, Grand View-on-Hudson
Rockland County Department of Highways
Federal Emergency Management Agency

Krypton Engineering
Town of Orangetown 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.