



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

February 21, 2020

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

**Tax Data:** 75.22-1-7

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

**Map Date:** 1/4/2019

**Date Review Received:** 1/22/2020

**Item:** *KATHLEEN SANDERS (GV-88B)*

Variance for a building appurtenance raising more than four and a half feet above River Road to permit the construction of a chimney for a single-family dwelling located on 0.543 acres on the R-10 zoning district.

East 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 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.

3 The site plan provided with this application, with a revised date of January 4, 2019, indicates many features on the site are proposed. For clarification purposes, the site plan shall be amended to indicate these features are existing, under construction, or planned; not proposed.

4 The map date on the Referral Form states a date of December 22, 2017, with a revised date of December 29, 2017. As noted above, the most recent revised date on the set of plans we received is January 4, 2019. The Referral Form must be updated so that all materials remain consistent.

**KATHLEEN SANDERS (GV-88B)**

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.



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  
Village of Piermont

*\*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.*