

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 16, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 75.05-1-14

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

Map Date: 7/11/2019

Date Review Received: 10/9/2019

Item: *FISCHER SITE PLAN (O-2390)*

Site plan to replace an existing failing retaining wall and steel structure under a garage located on 0.32 acres in the R-22 zoning district and critical environmental area. The parking area will also be expanded. East side of Tweed Boulevard, approximately 1,840 feet south of Nike Lane

Reason for Referral:

Tweed Boulevard (CR 5), US Route 9W, Village of Piermont

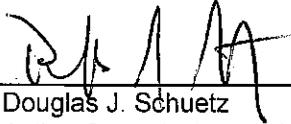
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The applicant must comply with the conditions of the Rockland County Highway Department in their letter of October 15, 2019.
- 2 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary splits the subject site just east of the residential structure. As required under Section 239nn of the State General Municipal Law, 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 Town of Orangetown.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 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 Standards 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 site plan shall include a bulk table that shows the subject property is in compliance with the R-22 bulk standards. The appropriate parcel ID for the subject parcel shall also be included on the site plan.
- 7 The site plan must contain a vicinity map that has a north arrow and scale.
- 8 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of including such details.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
New York State Department of Transportation

Anthony R. Celentano P.L.S.
Village of Piermont
DRPHILLA

Phil Fischer

**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.