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 31, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 75.05-1-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/19/2019 **Date Review Received:** 10/17/2019

Item: ***GYIMESI TREE REMEDIATION PLAN (O-2392A)***

Tree remediation plan to remove two trees on a 0.668-acre property located in the R-22 zoning district and critical environmental area.
West side of Route 9W, approximately 375 feet north of the border of the Village of Piermont

Reason for Referral:

US Route 9W, Tweed Boulevard (CR 5), Villages of Grand View-on Hudson and Piermont, Clausland Mountain Park

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 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

3 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.

4 The Villages of Grand View-on-Hudson and Piermont are two of the reasons this proposal was referred to this department for review. The municipal boundary of Grand View-on-Hudson is approximately 300 feet east of the site while the municipal boundary is approximately 375 feet south of the subject site.. As required under Section 239nn of the State General Municipal Law, the Villages of Grand View-on-Hudson and Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.

GYIMESI TREE REMEDIATION PLAN (O-2392A)

5 A vicinity map that contains a north arrow and scale must be provided.

6 The site plan shall include map notes that list all appropriate information, including the district details.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Environmental Conservation
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources

Mark Kalish
Villages of Grand View-on Hudson and Piermont

Aladar G. Gyimesi

**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.