

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 23, 2020

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 75.05-1-5

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

Map Date: 11/27/2019

Date Review Received: 1/7/2020

Item: *GYIMESI DRIVEWAY (O-2392B)*

Variance for greater than permitted driveway slope to permit the reconfiguration of an existing driveway. The driveway currently has a slope of 26.9%, which will be reduced to 16.7%; only 10% is permitted. The property consists of a single-family residence located on 0.668 acres in the R-22 zoning district and critical environmental area. A retaining wall will be installed and a portion of the existing garage will be removed to accommodate for the driveway reconfiguration. The septic system is also to be replaced. West side of Route 9W, approximately 375 feet north of the border of the Village of Piermont

Reason for Referral:

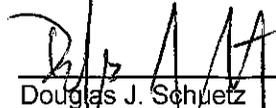
US Route 9W, Tweed Boulevard (CR 5), Villages of Grand View-on Hudson and Piermont, Clausland Mountain Park

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 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 variance and provide any concerns related to the project to the Town of Orangetown.

GYIMESI DRIVEWAY (O-2392B)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources

Krypton Engineering
Villages of Grand View-on Hudson and 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.