



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 21, 2013

ARLENE R. MILLER
Deputy Commissioner

Piermont Zoning Board of Appeals
Village Hall
478 Piermont Avenue
Piermont, NY 10968

Tax Data: 75.77-1-29

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

Map Date: 9/3/2013

Date Review Received: 11/8/2013

Item: *ERIC & JILL HOVDE (P-124A)*

Variances to permit construction of a second-story addition and one-car garage for an existing dwelling in the R-7.5 zoning district on .10 acres. Required variances include: lot area, lot width, front yard, building height (existing conditions), side yard, total side yard, floor area ratio, and lot coverage (new non-conformities).

North side of Piermont Avenue, approximately 95 feet east of the US Route 9W viaduct

Reason for Referral:

Sparkill Creek, US Route 9W, Town of Orangetown, NYS Route 340, Union Street, S. Highland Avenue

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***

While many of the required variances are for existing non-conformities, several significant variances are required for the proposed improvements, including side yard, total side yard, floor area ratio and maximum lot coverage. The proposed new floor area ratio is more than double the allowable ratio, and the side yard and total side yard, are less than half of what is required. We recognize the fact that the lot is 40% smaller than required, which directly affects the floor area ratio and maximum lot coverage. However, the proposed additions, even with a lot that meets the zoning standards, would still require a floor area ratio variance. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. We caution the Village to consider the cumulative impacts of permitting such development. We offer the following comments to the Zoning Board of Appeals:

ERIC & JILL HOVDE (P-124A)

1 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

2 The bulk table and site plan seem to show that the proposed side yard setback is 23 feet instead of 2.3 feet. In addition, the total side yard is listed as 11.90 feet, which would indicate that the one side yard is only .23 feet. These dimensions must be corrected.



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Christopher Sanders, Piermont
Rockland County Drainage Agency
New York State Department of Transportation
Robert Hoene, Architect
Town of Orangetown

**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.