Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 7, 2016

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

Tax Data: 75.55-1-14.2 75.55-1-14.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/11/2016 **Date Review Received:** 5/11/2016

Item: ***PIERMONT AVENUE COMMERCIAL (P-136A)***

Variances to permit construction of a proposed three-story, 6,708 sq. ft. retail building with three to four apartments, located in the BB zoning district on .092 acres. The specific variances required to implement the proposed site plan have not been specified.

East side of Piermont Avenue (Main Street), approximately 130 feet northwest of Gair Street

Reason for Referral:

Long Path Regional Hiking Trail

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:

***Disapprove**

1 The site plan submitted with the application is deficient in many ways. The site plan does not contain map notes, a bulk table, a vicinity map, or any details about what is proposed. In addition, the parking proposed for the site is located on a parcel not owned by the applicant. No narrative is included to provide more detailed information about the proposal. The application form indicates in several locations that three to four apartment units are proposed; yet the parking table seems to indicate that only three apartment units are proposed. Variances are indicated to be needed in order to develop the site as proposed. However, the required variances, and the extent of non-conformity have not been provided. Lastly, the short environmental assessment form (SEAF) has not be filled out, and is an outdated form (The new form can be found on the New York State Department of Environmental Conservation's website at: http://www.dec.ny.gov/permits/6191.html.). A more detailed site plan, which includes a bulk table citing both the required and proposed measurements, a narrative, the exact number of apartment units to be developed, a listing of the required variances, and an updated SEAF must be provided in order to evaluate the proposal.

PIERMONT AVENUE COMMERCIAL (P-136A)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Christopher Sanders, Piermont
New York - New Jersey Trail Conference
Rockland County Drainage Agency
Rockland County Department of Health

Robert Hoene Architect
Phil Griffin

Rockland County Planning Board Members

**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.