Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 25, 2016

Piermont Planning Board
Village Hall
478 Piermont Avenue
Piermont, NY 10968

Tax Data: 75.46-2-25

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/4/2016 **Date Review Received:** 7/7/2016

Item: ***BERNARD WEINTRAUB (P-98N)***

Site plan for the proposed landscaping and revetment of the eastern end of the property located in the R-7.5 zoning district on .1629 acres. Proposed improvements include: restoration of the wood cribbing at the north and east perimeter; placement of dry set boulders at the north and east perimeter; planting of light landscaping; and installation of grade level stone patio and walkways.
East side of Piermont Avenue, approximately 40 feet south of Kinney Street

Reason for Referral:

Ash Street Station County 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:

***Disapprove**

It is our understanding that the Rockland County Real Property Tax Director will not be signing off on the subdivision map, because there is no clear title to the land area that is labeled as Parcel 2 on the Final Subdivision Plat for Weintraub Projects, LLC. In our previous review dated April 19, 2016, we disapproved the subdivision because it has not been demonstrated that the tax lot line discrepancy has been resolved. The parcel to the east, in which the tax lot line is to be eliminated, does not have a tax lot number designation. Research of the deed indicates that this parcel is "not to be insured." This area of land that the applicant wants to merge with existing tax lot 75.46-2-25 appears to have been filled in over time, and no ownership or tax parcel number exists with our tax maps. The Certificate of Title submitted with the application indicates that no insurance can be issued until the lot line change is approved. Before the lot line merger can be approved, the applicant must get a clear title to this property. A copy of the clear title must be provided to the County for its records, since the County is responsible for tax mapping.

Therefore, granting a site plan to permit work within a conservation easement within Parcel 2, on

BERNARD WEINTRAUB (P-98N)

land that will not be accepted by the Director, would be inappropriate. Our suggestion would be to discuss this issue with the Real Property Tax Director for further clarification. Unless acceptable to the him, the subdivision the Village approved by overriding our previous review, will not be reflected in the County Official Tax Maps, nor the Assessors Tax rolls.

1 Once the title is clear, we offer the following recommendations:

The Floodplain Administrator for the Village of Piermont shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

2 An updated review shall be completed by the New York State Department of Environmental Conservation, and all required permits obtained. In addition, the comments in the March 14, 2016 letter must be addressed.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Christopher Sanders, Piermont
Rockland County Division of Environmental Resources
Rockland County Department of Health
New York State Department of Environmental Conservation
Rockland County Finance Department, Real Property Tax Director
Rockland County Drainage Agency

S&Co Architecture + Design
Sparaco & Youngblood, PLLC

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.