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 28, 2017

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

Tax Data: 75.54-1-1.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/30/2017 **Date Review Received:** 6/6/2017

Item: ***AKINYINKA OLATEJU (P-133F)***

Site plan for the proposed construction of a single-family dwelling located on .99 acres in the R-20 zoning district and critical environmental area.
East side of Tweed Boulevard, approximately 780 feet north and east of US Route 9W

Reason for Referral:

Tweed Boulevard (CR 5), US Route 9W, Town of Orangetown, Long Path

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 The comments in the June 26, 2017 letter from the Rockland County Highway Department must be met. All required permits must be obtained prior to the commencement of any grading or construction on the site.

2 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site, in the centerline of Tweed Boulevard. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Village of Piermont.

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

4 Since the parcel is located in a Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.

AKINYINKA OLATEJU (P-133F)

5 The proposed well must be installed pursuant to all requirements of Article II of the Rockland County Sanitary Code, and under permit with the Rockland County Department of Health.

6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 The General Notes should be expanded to include the tax parcel identification number and district information. In addition, Drawing A-001.00 should include a vicinity map with a scale and north arrow.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Askon Architects, P.C.
Town of Orangetown Planning Board

**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.