

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 25, 2017

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

Tax Data: 75.70-1-9

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

Map Date: 6/24/2016

Date Review Received: 4/13/2017

Item: *LAWRENCE SLATTERY (P-142A)*

Variances to permit the proposed construction of a new single-family residence located within the R-7.5 zoning district and on a .088-acre parcel. Required variances include: lot area, lot width, side yard, total side yard, and rear yard.

Southeast side of the old Erie Railroad right-of-way; approximately 40 feet northwest of Piermont Avenue

Reason for Referral:

Sparkill Creek, Tallman Mountain State 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 As indicated in the April 24, 2017 letter from the Rockland County Drainage Agency, the parcel is within their jurisdiction. A permit or determination must be obtained from them prior to any development of the site.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Christopher Sanders, Piermont
Rockland County Drainage Agency
Rockland County Department of Health
Palisades Interstate Park Commission

Kier B. Levesque, RA
Collazuol & Assoc.

LAWRENCE SLATTERY (P-142A)

**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.