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 6, 2018

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

Tax Data: 75.29-1-15

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/28/2018 **Date Review Received:** 7/6/2018

Item: ***BARRINGTON FIELDS - 772 ROUTE 9W (P-52A)***

A site plan application to construct a retaining wall within an area of steep slope and patios for an existing single-family dwelling on 1.04 total acres (0.31 net acres after steep slope deductions) in the R-20 zoning district.
The western side of Route 9W, approximately 3,300 feet north of Ash Street.

Reason for Referral:

US Route 9W, Tweed Boulevard (CR 5), Village of Grand View-on-Hudson, Town of Orangetown

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 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

2 Since the parcel is located in a Critical Environmental Area, a review must be completed by the New York State Department of Environmental Conservation and any required permits obtained from them.

3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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4 The Town of Orangetown and the Village of Grand View-on-Hudson are two of the reasons this proposal was referred to this department for review. The Orangetown boundary runs through the western end of the property, and the Grand View-on-Hudson boundary is approximately 430 feet to the northeast. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown and the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Piermont.

5 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.

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

7 The site plan shall contain map notes, including district information, and a vicinity map with a north arrow and scale.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont
New York State Department of Transportation
Rockland County Department of Highways
New York State Department of Environmental Conservation
Rockland County Department of Health

Paul Gdanski P.E., PLLC
Town of Orangetown
Village of Grand View-on-Hudson

**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.