Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 19, 2018

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

Tax Data: 75.70-1-47

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/24/2018 **Date Review Received:** 9/18/2018

Item: ***DAYNA KARAFOIL - 221 PIERMONT AVENUE (P-154A)***

A variance application to allow the construction of a covered porch and covered patio, and to replace columns on two rear decks, for an existing single-family dwelling on 0.10 acres in the R-7.5 zoning district. Variances are requested for front yard and floor area ratio.

The southern side of Piermont Avenue, approximately 370 feet west of the Ferdon Avenue bridge.

Reason for Referral:

Town of Orangetown, Sparkill Creek

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 must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

2 The property is partially located within the FEMA floodplain. The extent of the floodplain must be delineated on the site plan.

3 The engineer of record shall certify to the floodplain administrator for the Village of Piermont that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

4 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 350 feet south of the site. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposal and provide any concerns related to the project to the Village of Piermont.

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5 The site plan shall contain a vicinity map with a north arrow and scale, and the map notes shall include district information and tax parcel information.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont
Rockland County Drainage Agency
Federal Emergency Management Agency

Robert Hoene, Architect
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.