Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 10, 2018

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: 11/30/2017 **Date Review Received:** 12/15/2017

Item: ***AKINYINYA OLATEJU - 201 TWEED BOULEVARD (P-133L)***

A site plan application to construct a single-family residence on 0.99 acres in the R-20 zoning district within a critical environmental area.
The eastern side of Tweed Boulevard, approximately 680 feet north of US Route 9W.

Reason for Referral:

Tweed Boulevard (CR 5), US Route 9W, Long Path Hiking Trail, the 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 All comments made by the Rockland County Highway Department in their December 21, 2017 letter must be met.

2 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.

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

4 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 site plan and provide any concerns related to the project to the Village of Piermont.

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5 The site plan shall contain map notes, including district information, a bulk table, areas of steep slope with lot adjustment calculations, and show the correct tax lot information.

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.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Askon Architects, P.C.
Town of Orangetown

**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.