



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

September 19, 2018

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

**Tax Data:** 75.54-1-1.2

75.54-1-1.1

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

**Map Date:** 7/26/2018

**Date Review Received:** 8/17/2018

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

Site plan for the proposed construction of two single-family residences located on newly created tax parcels, that together are 2.10 acres in the R-20 zoning district, and within a critical environmental area. East side of Tweed Boulevard, approximately 857 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 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.
- 2 The Narrative Response from a previous review dated February 16, 2018 indicates that permits have been obtained from the Rockland County Highway Department, the New York State Department of Environmental Conservation, and the New York State Department of Transportation. Any future applications for these parcels should include copies of these permits, so that they are in the record.
- 3 The map notes must include district information.
- 4 The site plan must include calculations for areas of steep slope so that it can be determined how the net lot areas are derived.

**AKINYINKA OLATEJU (P-133N)**

5 The GML referral form indicates that the need for variances is "to be determined." We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) 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 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action

9 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



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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 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.*