Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 26, 2018

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

Tax Data: 75.77-1-32

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/16/2018 **Date Review Received:** 10/18/2018

Item: ***PIERMONT OVERLOOK LLC (P-0.5F)***

A variance application to allow the conversion of a commercial health club into nine residential units and common amenity space for residents within an existing multifamily residential building. The 4.6-acre site contains five residential buildings and provides 180 parking spaces, and is located within the RM zoning district. Variances are requested for lot area and floor area ratio.

The eastern side of Route 9W, opposite Hovey Lane.

Reason for Referral:

US Route 9W, Main Street (NYS Route 340), Sparkill Creek, 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 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 335 feet northwest and 450 feet east of the parcel. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Village of Piermont.

2 A review must be completed by the County of Rockland Drainage Agency and any required permits obtained from them.

3 As per the November 2, 2018 letter from the Rockland County Department of Health, fully engineered plans must be submitted to them for review.

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

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5 The site plan indicates that there are 172 parking spaces on the site. This is eight fewer parking spaces than the 180 spaces that are indicated in the map notes and the narrative. There are a total of 60 spaces in the parking area along the southeastern property line, not 66. The parking areas along the northwestern and southeastern sides of Building B have 8 and 13 parking spaces, respectively, not 9 and 14 spaces. The proposed conversion will increase the total number of residential units to 117. The resulting parking requirement of 176 spaces is greater than the 172 spaces indicated on the site plan. The parking area must be reconfigured to accommodate the required parking, the total number of units must be reduced to 114, or an additional variance for the number of parking spaces must be obtained. Any revised variance application must be sent to this department for review.

6 In order to provide the Village with the best available information, a parking calculation for all existing uses must be provided for comparison to the proposed residential use.

7 The site plan is missing several important elements. A bulk table was only provided on a separate document. The site plan, itself, must contain a bulk table. The site plan must also contain map notes with district information, a vicinity map, and a map date.

8 The narrative provided indicates that a total of 116 residential units are proposed. The site plan indicates that a total of 117 units are proposed. In addition, the application form and narrative state that the proposed conversion will create nine additional units. The notes on the site plan indicate that ten additional units are proposed. All materials must be consistent. The applicant must clarify the correct number of new units and total units proposed.

9 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.

10 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.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont
Rockland County Department of Health
Rockland County Drainage Agency
New York State Department of Transportation

Robert Hoene, A.I.A.
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.*

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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.