Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 30, 2018

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

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date:

Date Review Received: 3/28/2018

Item: ***VILLAGE OF PIERMONT - LOCAL WATERFRONT REVITALIZATION PROGRAM (P-150)***

An update to the existing 1992 Local Waterfront Revitalization Program to reflect changed conditions and priorities. Updates include: revision of the LWRP inventory and analysis; modifications of certain existing policies; revision of Chapters 96 and 198; updated project recommendations; and the integration of a Harbor Management Plan..

The LWRP boundary consists of all property within the Village. The Harbor Management plan extends 1,500 feet from the low water mark.

Reason for Referral:

Town of Orangetown, Village of Grand View, State and County Roads, US Route 9W, State and County Parks, Sparkill Creek, Long Path Hiking Trail

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

Adopted in 1992, the first Local Waterfront Revitalization Program (LWRP) has guided development throughout the village for more than 20 years. As with any planning document, periodic revisions are necessary as a result of changing circumstances and priorities. This update to the LWRP pays particular attention to increased risks and hazards posed by climate change and rising sea levels. Located along the Hudson River and at the mouth of the Sparkill Creek, Piermont is particularly vulnerable to the impact of sea level rise and the increasing frequency and strength of weather events and flooding. In the wake of Superstorm Sandy, a resiliency task force was formed. Recommendations from the resulting report "Resilience Roadmap: Planning for Piermont's Future" have been incorporated into this update. Preparing for the impacts of sea level rise is a central focus of the policies and projects contained within this LWRP, and represents commendable and forward-thinking governance.

The County welcomes this opportunity to review this draft LWRP and offers the following comments:

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1 Since the Village of Piermont does not have a Comprehensive Plan, and as the LWRP boundary encompasses the entirety of the village, the LWRP acts as the comprehensive guide to development for the village. As a result, there are elements to this update that are more commonly associated with a Comprehensive Plan than a LWRP, such as the demographic information section of the Inventory and Analysis Chapter. The County recommends that other elements of a Comprehensive Plan be included, as well. In particular, the Inventory and Analysis chapter should include information regarding the local economy and transportation assets. Employment data, industry representation and growth, and an assessment of local transportation needs and resources would help inform and guide future development.

2 The LWRP recommends revising village zoning, planning, and building codes (Section IV, project 1) with a variety of goals stated. The County would like to take this opportunity to remind the village that such revisions are subject to review under General Municipal Law. In addition, item f of this section promotes the use of permeable surfaces in the planning process. The County recommends the incorporation of development and impervious surface coverage limits to the zoning bulk tables as an effective means of accomplishing this goal.

3 Projects listed in Section IV are labelled with clock and dollar sign icons, presumably to give an indication of relative time and cost of each project. A key or legend with approximate ranges of time and money must be provided for clarification.

4 The Table of Contents gives the incorrect page ranges for several sections of the LWRP. The table must be corrected.

5 On page 96, Policy 25 refers to scenic resources identified in Section 2(6). The section describing scenic resources is 2(5), and must be corrected. On page 100, Policy 36, the text refers to policy 31. This must be corrected to policy 36. Also, the text "(8.5)" that comes after "using the Hudson River" under Policy 36 must be clarified. On page 124, sections 20c and 21a use the initials "RR", presumably referring to the Resiliency Roadmap. The full text must be used or the initials explained.

6 The LWRP proposes changes to Chapter 96 of the Village Code to identify specific Critical Environmental Areas and to Chapter 198 to establish a Waterfront Advisory Committee. Both of these text amendments are subject to review under General Municipal Law.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont
New York State Department of Transportation
New York State Department of Environmental Conservation
New York State Department of State
New York State Office of Parks, Recreation and Historic Preservation
New York - New Jersey Trail Conference
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Palisades Interstate Park Commission
Town of Orangetown, Village of Grand View

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**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.