Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 7, 2018

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

Tax Data: 75.77-1-8

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/23/2018 **Date Review Received:** 5/7/2018

Item: ***ROADHOUSE PARTNERS LLC - 201 PIERMONT AVENUE (P-152A)***

Variances to permit the proposed construction of a single-family residence located on .16 acres in the R-7.5 zoning district and within the 100-year floodplain of the Sparkill Creek. Variances are required for lot area, front yard and rear yard setback. A conservation easement is also required.

Southeast side of Piermont Avenue, approximately 620 feet southwest of the bridge road crossing the stream

Reason for Referral:

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 Since the site is located almost entirely within the 100-year floodplain of the Sparkill Creek, a review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.

2 The 100-year floodplain must be delineated on the site plan.

3 The site plan seems deficient in that it does not seem to comply with all of the requirements of Section 210-78A. of the Village of Piermont Zoning Ordinance, including but not limited to: acreage, natural and man-made features within 500 feet of the site boundary, street right-of-way, and topography. In addition, a vicinity map with scale and north arrow, and map notes which include district information must be provided.

ROADHOUSE PARTNERS LLC - 201 PIERMONT AVENUE (P-152A)

4 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.

5 A grading plan must be provided for the proposed dwelling.

6 The bulk table on Sheet A2.0 does not list that a variance is required for lot area, though the Letter of Appeal from the Building Inspector does. All application materials must be consistent. The bulk table must be updated to reflect that a lot area variance is required.

7 The project shall comply with the promulgated regulations of the Federal Emergency Management Agency.

8 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Robert Hoene, Architect
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.