Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 28, 2019

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

Tax Data: 75.30-1-38

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/29/2019 **Date Review Received:** 8/5/2019

Item: ***88 ORCHARD TERRACE - WINTER/STONE RESIDENCE (P-139F)***

A variance application to allow the construction of a new single-family dwelling and garage on 0.32 acres (0.13 acres after steep slope deductions) in the R-10 zoning district. Variances are requested for lot area, lot width, front yard, side yard, total side yard, floor area ratio, lot coverage, and disturbance of category IV slopes.

The western side of Orchard Terrace, approximately 350 feet north of Hester Street

Reason for Referral:

US Route 9W

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 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.

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

3 As per the April 15, 2019 letter from the Rockland County Department of Health, an application is to be made to them for review of the stormwater system for compliance with the County Mosquito Code.

4 To reduce the extent of the maximum lot coverage variance, pervious pavers must be used.

5 The site plan map notes shall include district information.

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6 The Village's Letter of Appeal does not indicate that a variance is required for disturbing category IV slopes. The letter must be amended to include all required variances. The public hearing notice must be reviewed and, if it contains incomplete or inaccurate information, re-issued.

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
Rockland County Department of Health

Richard Wostbrock & Associates

**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.