

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 19, 2019

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

Tax Data: 75.46-1-19

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/7/2019

Date Review Received: 3/18/2019

Item: *KAPLAN RESIDENCE - 45 FRANKLIN STREET (P-156A)*

A variance application to allow the construction a garage addition with living space above and interior alterations to an existing single-family dwelling on a through-lot with 0.37 acres in the R-15 zoning district. Variances are required for lot width, side yard, total side yard, and lot coverage.

The western side of Franklin Street and the eastern side of Route 9W, approximately 490 feet north of Ash Street.

Reason for Referral:

Town of Orangetown, US Route 9W, Tweed Boulevard (CR 5), Ash Street Station Park

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 415 feet west 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 application and provide any concerns related to the project to the Village of Piermont.
- 2 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.
- 3 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 4 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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- 5 The proposed site plan does not indicate any proposed changes to the driveway. The existing driveway does not align with the proposed garage, and will therefore require alterations. An amended site plan must be provided that includes a modified driveway that can accommodate the proposed garage. The site plan must also include an updated lot coverage calculation. If the revised lot coverage exceeds 28.3%, the public hearing notice must be amended and reissued.
- 6 To reduce the extent of the maximum lot coverage variance, pervious pavers must be used.
- 7 The proposed 10-foot side yard will require a variance. The application form, letter of appeal, and bulk table do not indicate a variance is required. The form, letter, and bulk table must be amended. The public hearing notice must be reviewed and, if it contains incomplete or inaccurate information, revised and re-issued.
- 8 The site plan provided appears to have been reduced to a scale of 1' = 40'. A full-sized site plan, which includes a north arrow, map notes with district information, and a vicinity map with a scale and north arrow, must be provided.
- 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 Highways
New York State Department of Transportation
Rockland County Department of Health
Rockland County Division of Environmental Resources

Gary I. Segal, R.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.*

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.