



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

July 30, 2019

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:** 7/11/2019

**Item:** *VILLAGE OF PIERMONT - SOLAR PANEL DEVICES TEXT AMENDMENT (P-157)*

A Local Law to provide for regulations pertaining to the installation of Solar Panel Devices.  
Throughout the Village of Piermont

### Reason for Referral:

State and County roads and parks, County streams, Long Path Hiking Trail, Town of Orangetown,  
Village of Grand View-on-Hudson

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***

The Rockland County Planning Department supports local efforts to encourage the growth, development, and use of renewable energy sources, such as solar power. The economic and environmental challenges presented by climate change will have significant consequences for Rockland County and its residents. As recommended in the 2011 Rockland County Comprehensive Plan, the County should "Employ all available tools to address climate change" (p. 142). In support of this measure, we offer the following comments:

- 1 The proposed text amendment makes multiple references to Appendices 1 through 4, however no appendices are provided. The appendices must be provided.

**VILLAGE OF PIERMONT - SOLAR PANEL DEVICES TEXT AMENDMENT (P-157)**

2 Section 8.J(3) of the proposed text states that Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district, or with height limitations in Appendix 3. As previously mentioned, Appendix 3 is not provided. The Village's regulations allow heights of up to 32' in residential districts and 35' in some commercial districts. This limit is higher than what is allowed for solar arrays in other communities. In addition, the Lot Coverage standards given in Section 8-J(4) only include ground-level impervious structures, and do not include the actual panels in its calculation. These two factors, an allowed height of up to 35' and coverage requirements that do not include the panels themselves, when considered together can potentially result in an excessive amount of bulk, which can have a negative impact on views from neighboring properties. The Village must lower the maximum allowed height of Tier 3 systems and consider establishing coverage requirements that take the overall bulk of the panels into consideration.

3 Section 7 of the proposed text states that Tier 2 Solar Energy Systems shall be permitted as accessory structures and subject to the height limitations specified for accessory structures within the underlying zoning district, or with the height limitations in Appendix 3, which is not provided. Section 210-45.E(1) of the Village zoning regulations allows a maximum height for accessory structures of 20 feet. Since Tier 2 systems are defined as having up to 4,000 square feet of panels, the 20-foot height limitation is overly generous for an accessory structure, particularly in residential zoning district. The Village must set a lower maximum height for Tier 2 systems.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont  
New York State Department of Transportation  
New York - New Jersey Trail Conference  
Palisades Interstate Park Commission  
New York State Department of Environmental Conservation  
Rockland County Department of Highways  
Rockland County Drainage Agency  
  
Town of Orangetown Planning Board  
Village of Grand View-on-Hudson 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.*