

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

July 2, 2020

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

Tax Data: 75.54-1-1.1

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

Map Date: 6/9/2020

Date Review Received: 6/19/2020

Item: *AKINYINKA OLATEJU - 201 TWEED BOULEVARD (P-133P)*

A site plan application to construct a new single-family residence on 0.99 acres in the R-20 zoning district, and within a critical environmental area. Variances are required for front yard, side yard, and total side yard for proposed retaining walls.

The eastern side of Tweed Boulevard, approximately 670 feet west and north of US Route 9W

Reason for Referral:

Town of Orangetown, US Route 9W, Tweed Boulevard (CR 5), Long Path 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:

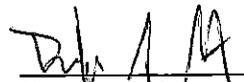
****Recommend the following modifications***

- 1 The Town of Orangetown is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the western property line of the site, in the centerline of Tweed Boulevard. As required under Section 239nn of the State General Municipal Law, the Town of Orangetown must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Village of Piermont.
- 2 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained from them.
- 3 An updated 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.
- 4 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained from them.

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- 5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 6 The site plan must include calculations for areas of steep slope so that it can be determined how the net lot area was derived.
- 7 The site plan must include a vicinity map with a north arrow and scale, and the map notes must include district information.
- 8 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 11 The bulk table must be amended to indicate that variances are required for the proposed retaining walls.
- 12 Clearing limit lines must be delineated in the field prior to the commencement of any construction or grading.
- 13 Since the site is located within a designated Critical Environmental Area and consists of environmentally sensitive areas, the area east of the existing stone wall must be placed in a conservation easement that is filed on land records in order to ensure that it is left in its natural state.
- 14 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.
- 15 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.
- 16 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process.

A single site plan was provided to this department for our review of this and the neighboring property. In order to assist our maintenance of accurate and complete records, please provide a full set of site plans for separate applications in the future.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bruce E. Tucker, Piermont
New York State Department of Environmental Conservation
New York State Department of Transportation

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Rockland County Department of Health
Rockland County Department of Highways

Askon Architects, P.C.
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.