



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 3, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.14-2-21 68.14-2-23

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

Map Date: 11/8/2013

Date Review Received: 11/22/2013

Item: *DOMINICK & WHITE SITE PLAN (O-2236E)*

Site plan for a proposed dwelling on Lot #2, which consists of .34 acres in the R-15 zoning district, and is part of a three-lot subdivision.

East side of Fillmore Street, opposite Adams Court, 150 feet north of Old Pascack Road

Reason for Referral:

Old Pascack Road (CR 30)

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 As indicated in the November 26, 2013 letter from the Rockland County Department of Health, an application must be made to them for review of the storm water management system to ensure compliance with the County Mosquito Code.
- 2 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 3 There shall be no net increase in the peak rate of discharge from the site at all design points.

Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health

DOMINICK & WHITE SITE PLAN (O-2236E)

Robert E. Sorace, PLS

**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.