



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 18, 2013

ARLENE R. MILLER
Deputy Commissioner

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 65.12-1-3

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

Map Date: 9/6/2013

Date Review Received: 10/31/2013

Item: *HAGAN/MOLLICA (O-2240)*

Variations to permit construction of a guest house with carport, and a stand-alone carport for a single-family dwelling in the R-80 zoning district on 1.915 acres. Variations required include total side yard, front yard, building height, and allowing accessory buildings within the front yard.

Northwest corner of Bradley Hill Road and S. Highland Avenue

Reason for Referral:

Bradley Hill Road (CR 38), Long Path, Sean H. Ryan County Park, Blauvelt State Park, Town of Clarkstown, Village of South Nyack

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:

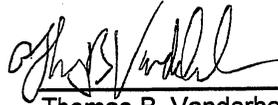
****Recommend the following modifications***

- 1 Given the location of the proposed structures to the County right-of-way and designated street line, a review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- 3 A review must be completed by the Palisades Interstate Park Commission and their comments considered.

HAGAN/MOLLICA (O-2240)

4 The Town of Clarkstown and the Village of South Nyack are two of the reasons this proposal was referred to this department for review. The municipal boundary for South Nyack is just east of the site at the northeastern corner, and the municipal boundary for the Town of Clarkstown is located approximately 445 feet north of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Clarkstown and the Village of South Nyack must be given the opportunity to review the proposal and its impact on community character, water quantity and quality, drainage, and stormwater runoff. The areas of countywide concern noted above that directly impact the Town of Clarkstown and the Village of South Nyack must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.



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

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Palisades Interstate Park Commission
New York - New Jersey Trail Conference
S & Co
Town of Clarkstown
Village of South Nyack

**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.