



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

October 28, 2013

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 74.06-3-1.3    74.06-3-1.2    74.06-3-1.1

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

**Map Date:** 3/7/2005

**Date Review Received:** 10/4/2013

**Item:** *SAINT DOMINIC'S HOME (O-1594MM)*

Review of the performance standards for a proposed 36kw natural gas generator at the "Sammon" building, which is within a campus that totals 39.69 acres in the R-40 zoning district.  
West side of Western Highway, north side of Bataan Road, south side of Convent Road

**Reason for Referral:**

Western Highway (CR 15), Convent Road (CR 26)

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 Section 12.6.3.3 of the County of Rockland's Sanitary Code states that new fuel burning equipment installations or modifications to existing fuel burning equipment installations that have an input capacity of less than 500,000 BTU per hour are excepted from the provisions of Subsection 12.6.1 of this Article. If the proposed generator has an input capacity of more than 500,000 BTU per hour, a review must be completed by the County of Rockland Department of Health and all required permits obtained.

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

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

**SAINT DOMINIC'S HOME (O-1594MM)**

*\*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.*