



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

November 14, 2013

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 77.20-2-24

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

Map Date:

Date Review Received: 10/31/2013

Item: *ZAPATA RESTAURANT (O-339D)*

Special permit to allow sidewalk dining between the curb and the front of the building, consisting of nine tables with four chairs at each table, for a total of 36 seats, for an existing restaurant in the R-15 zoning district on 1.92 acres.

East side of NYS Route 340, approximately 90 feet north of Yadanza Court

Reason for Referral:

NYS Route 340

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 A review shall be completed by the New York State Department of Transportation and any required permits obtained. This is particularly critical since the proposed seating area is located within the designated street line of the State highway.
- 2 The submitted map does not contain a map date, revised date, the name of the engineer, or engineer seal. These items must be added to the map.
- 3 Is any landscaping or supplemental lighting proposed around the seating area to create a more enjoyable atmosphere since the seating is right along the State highway and adjacent to the parking lot? Landscaping, even within pots, should be added to the site, and proposed lighting should be shown to ensure that it will not shine into the State highway.

ZAPATA RESTAURANT (O-339D)

4 Is the outdoor seating area proposed to be paved? If so, this will change the development coverage, and must be shown as such on both the site plan and in the bulk table.



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

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Health

**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.