



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 5, 2014

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.16-1-32

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

Map Date: 4/20/2004

Date Review Received: 10/7/2014

Item: 23 ROCKLAND PARK ROAD (PRECISION WHEEL SERVICES) (O-2056J)

Site plan and conditional use permit to allow an automobile and light-duty truck wheel reconditioning business in an existing building located in the LIO zoning district on 6.4 acres.
Northeast corner of Rockland Park Road and Oak Tree Road

Reason for Referral:

Sparkill Creek

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 October 23, 2014 letter from the Rockland County Drainage Agency, since no land disturbance or construction is proposed, no permits are required. However, if the applicant changes the proposal so that land disturbance or construction are to occur, then a permit will be required from them, as well as from the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Drainage Agency
Rockland County Department of Health
Thomas Schiavone

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**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.