



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 11, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 68.08-1-1

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

Map Date: 3/7/2014

Date Review Received: 3/14/2014

Item: *PFIZER SUBDIVISION PLAN (O-905EEEEEE)*

Variances to allow a two-lot subdivision of 203 acres in the LI and LIO zoning districts. Variances required include: floor area ratio, and rear yard for proposed Lot 1A; and side yard and rear yard for proposed Lot 1B.

North side of NYS Route 304, west side of S. Middletown Road, east side of the railroad right-of-way

Reason for Referral:

NYS Route 304, S. Middletown Road (CR 33), W. Townline Road (CR 42), Muddy Creek, Town of Clarkstown

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***

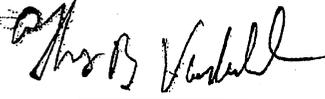
1 As previously indicated in our review for the proposed two-lot subdivision, the proposed lot line configuration is awkward, resulting in the need for these variances. Redrawing the lot lines, would eliminate these variances while providing more conforming lots. The applicant should move the subdivision boundary so that the yard and floor area ratio variances are not required, especially given the size of the original parcel.

2 The applicant has provided information about needed access easements in order for the subdivision to be finalized. However, no explanation or easements have been provided for the parking area. It must be clarified if parking cross-easements are required, and for how many parking spaces. Are variances needed for Lot 1B for parking? A breakdown of the parking for both lots must be provided, and parking locations corresponding to the buildings indicated as well. These issues must be clarified and addressed.

PFIZER SUBDIVISION PLAN (O-905EEEEEE)

3 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.

4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.



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

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Planning Board
Town of Clarkstown

**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.