



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 21, 2014

ARLENE R. MILLER
Deputy Commissioner

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.18-3-29 74.18-3-30 74.18-3-31

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

Map Date: 9/23/2014

Date Review Received: 10/27/2014

Item: *ROHLAND SITE PLAN & EXTERIOR COMMERCIAL SUBDIVISION (O-281C)*

Site plan and exterior commercial subdivision of 4.2 acres in the LO and LI zoning districts. No new construction is proposed on the parcels. The site plan is required to legalize improvements made to the property previously without permits.

East side of Western Highway, approximately 445 feet south of W. Lowe Lane

Reason for Referral:

Western Highway (CR 15), Palisades Interstate Parkway

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 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 As indicated in the November 3, 2014 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system for compliance with the County Mosquito Code.
- 3 The October 21, 2014 Rohland Subdivision letter from Atzl, Nasher & Zigler P.C. states on page 2, response to comment #2, that "this portion of Western Highway is not under jurisdiction of the Rockland County Highway Department." This comment is restated on page 3 at the end. In addition, the October 21, 2014 letter for the Rohland Site Plan also states this on page 3, in response to the County Highway Department's letter under comment #2, and again in bold on page 4 at the end of the comment/response section. This notation is incorrect, as the entire length of Western Highway is a County highway. These responses/comments must be corrected.

ROHLAND SITE PLAN & EXTERIOR COMMERCIAL SUBDIVISION (O-281C)

4 The Overall Existing Condition Plan does not show the shed on Tax Lot 30, that was mentioned in the October 11, 2013 narrative, revised October 20, 2014. This should be shown on the site plan if it still exists; or the narrative updated to reflect that it has been removed.

5 It is unclear what the varying width area, located just north of and somewhat paralleling the 40-foot wide access and utility easement and represented with a dashed line, represents. This area must be labeled to clarify its intent.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Palisades Interstate Park Commission
Atzl, Nasher & Zigler P.C.

**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.