



## COUNTY OF ROCKLAND

### DEPARTMENT OF PLANNING

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

October 15, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 68.16-1-9

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

**Map Date:** 9/11/2014

**Date Review Received:** 9/19/2014

**Item:** *SALOON PROJECT (O-1512J)*

Variances to permit several additions to an existing commercial building on .33 acres in the CC zoning district. Variances required include: floor area ratio, side yard, total side yard, building height, and parking.

North side of E. Central Highway, approximately .50 feet east of NYS Route 304.

**Reason for Referral:**

E. Central Highway (CR 30), NYS Route 304, Muddy Creek

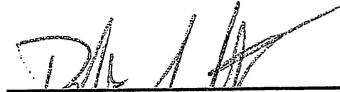
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

- 1 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. In addition, the comments in the May 14, 2014 letter from them must be addressed.
- 2 An updated review shall be completed by the New York State Department of Transportation and all required permits obtained. 3
- 3 An updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 4 The Town must consider the cumulative impact of permitting FAR variances of this magnitude as well as the land use precedent that will be set. The ability of the existing infrastructure to accommodate residences of this size must be evaluated. Allowing large variances for FAR will result in over-development. Local roads will become more congested. The sewer system, stormwater management systems and public water supply will be overburdened. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted.

**SALOON PROJECT (O-1512J)**

- 5 The parking requirements should also be provided on the site plan, with calculations demonstrating the needed space count.
- 6 The Town must be satisfied that adequate on-street parking and off-site parking can be provided for this increased use, especially since a reduction in parking is being provided on-site.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Rockland County Drainage Agency  
New York State Department of Transportation  
Barbara Marks Architect

*\*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.*