



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
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May 19, 2015

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

Tax Data: 64.18-1-78.3 64.18-1-78.1

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

Map Date: 3/14/2015

Date Review Received: 5/5/2015

Item: *MERRITT SUBDIVISION (O-1940G)*

Variances for a proposed four-lot subdivision of two lots that total 1.8 acres in the R-15 zoning district. Needed variances include no access on a public road and street frontage for lots 3A, 3B and 5B; front yard and rear yard for lot 3B; and building height.

East side of Ehrhardt Road, approximately 320 feet south of Town Line Road

Reason for Referral:

Town Line Road (CR 42), 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 A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 320 feet north of the site, along the centerline of Town Line Road. As required under Section 239-nn of the State General Municipal Law, the Town of Clarkstown must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 3 A map note must be added to the plans indicating that variances are also required for non-compliance with Section 280A, no frontage on a public road for lots 3A, 3B, and 5B.

MERRITT SUBDIVISION (O-1940G)

4 The cover sheet from the Town of Orangetown, as well as the Memorandum dated April 22, 2015 from John Giardiello, PE to Cheryl Coopersmith indicate that variances are needed for the 280A exception and street frontage for Lot 5A. However, since Lot 5A is located on Ehrhardt Road, these variances are instead required for Lot 5B. This information needs to be corrected. In addition, if the public hearing notice lists the incorrect parcel for these two variances, then it must be corrected.

5 The April 22, 2015 Memorandum from John Giardiello, PE indicates the maximum allowable building height for each lot based on the setbacks from the property line. The bulk table on Drawing #2 of 10 only lists that the building height is "<30" feet for each lot. The specific building height must be provided for each lot and the bulk table asterisked to reflect the needed variances.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Sparaco & Youngblood, PLLC
Town of Clarkstown PB

**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.