



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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May 7, 2015

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:** 65.18-1-14      65.18-1-10

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

**Map Date:** 4/8/2015

**Date Review Received:** 4/15/2015

**Item:** *TOWN OF ORANGETOWN - WHITTIER ROAD ZONE CHANGE (O-2265)*

Zone change application to rezone two parcels from LO to R-40 for a total of 1.29 acres. Each parcel already contains a single-family dwelling, and conforms to the R-40 zoning bulk standards.

East side of Whittier Road, approximately 170 feet north of Bradley Parkway; west side of Whittier Road, approximately 300 feet north of Bradley Parkway

**Reason for Referral:**

NYS Route 303, North Greenbush Road (CR 11), Bradley Parkway (CR 38)

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. The proposed zone change for the two parcels seems reasonable, as they each contain land uses that are permissible in the R-40 zoning district, and are fully compliant with the bulk regulations. However, the Town of Orangetown may want to take this opportunity to rezone two other adjacent parcels that are either fully or partially within the LO zoning district. The zoning boundary for the LO and R-40 zones divides Lot 65.18-1-13. Since a residence exists on this parcel, it would seem more appropriate to have this entire parcel rezoned to R-40, following the lot line. In addition, tax lot 65.18-1-15, though vacant, is a smaller parcel, and seems to be more suited to be zoned R-40 rather than its current zoning of LO. This .82-acre parcel would meet the bulk regulations for the R-40 zoning district, whereas it would be undersized for the LO regulations, and would require extensive variances in order to have an LO use constructed on the parcel.

**TOWN OF ORANGETOWN - WHITTIER ROAD ZONE CHANGE (O-2265)**

The Orangetown Town board should do a more extensive evaluation of the surrounding neighborhood to determine if any other parcels, such as the two cited above, should also be rezoned from the LO zone to the R-40 zone.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Rockland County Department of Highways  
Charlotte Madigan, Orangetown Town Clerk  
John Edwards, Orangetown Town Attorney

*\*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.*