



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

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Deputy Commissioner

May 12, 2015

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

Tax Data: 78.09-1-27 78.09-1-26

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

Map Date: 11/17/2014

Date Review Received: 4/15/2015

Item: SKAE GENERATOR PERFORMANCE STANDARDS (O-1351P)

Performance standards for a proposed 500 kW generator for an existing building located on 2.35 acres in the LO zoning district. A 1,000 gallon diesel fuel storage tank will service the generators on site. West side of US Route 9W, approximately 1,790 feet north of Kopac Lane

Reason for Referral:

US Route 9W, Tallman Mountain State Park

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 indicated in the April 24, 2015 letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, additional information is required to obtain a determination from them. All required permits must be obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health
Atzl, Nash & Zigler P.C.
New York State Department of Environmental
Conservation, Division of Environmental Permits

SKAE GENERATOR PERFORMANCE STANDARDS (O-1351P)

**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.