



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

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

**EDWIN J. DAY**  
County Executive

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

July 13, 2015

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

**Tax Data:** 74.11-2-47

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

**Map Date:** 1/6/2010

**Date Review Received:** 6/12/2015

**Item:** ***SOUTH CORNER PLAZA (O-2161B)***

Variations to permit construction of a 12,089 sq. ft. commercial building on 1.16 acres in the CC zoning district and Route 303 Overlay Zone. Needed variations include: less than the required rear yard; off-street parking located within the required yard; no loading berth provided; insufficient screening along NYS Route 303 as required by the overlay zone; and less than the required vegetative buffer as required by the overlay zone.

East side of NYS Route 303, south side of NYS Route 340

**Reason for Referral:**

NYS Routes 303 & 340; Sparkill Creek, Rockland County Sewer District property

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 shall be completed by the New York State Department of Transportation and all required permits obtained.
- 2 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- 3 The comments in the June 26, 2015 letter from the Rockland County Sewer District No. 1 must be met.
- 4 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency, since almost the entire site is located within the floodplain of the Sparkill Creek.

**SOUTH CORNER PLAZA (O-2161B)**

- 5 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained and any comments or concerns addressed.
- 6 The floodplain designations have changed since the site plan was last reviewed in 2010. To ensure that there are no outstanding issues, a review must be completed by the Federal Emergency Management Agency, and any comments or concerns addressed.
- 7 A location must be designated on the plans for truck parking for deliveries so as to not block any parking spaces for patrons, since the minimum number of parking spaces is just provided.

  
\_\_\_\_\_  
Douglas J. Schuelz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
New York State Department of Environmental Conservation  
Federal Emergency Management Agency  
Leonard Jackson Associates

*\*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.*