

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 22, 2016

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

Tax Data: 70.15-1-34

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

Map Date: 5/24/2016

Date Review Received: 5/31/2016

Item: *JOHN AITKEN (O-2297)*

Variations to permit the construction of a proposed garage for an existing dwelling located on .43 acres in the R-15 zoning district. Required variations include front yard, side yard, and building height. North side of Walnut Street, approximately 220 feet east of NYS Route 303

Reason for Referral:

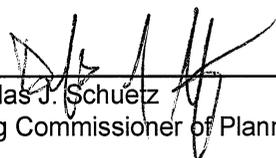
NYS Route 303, Spruce Street (CR 28), Sparkill Creek

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 A review shall be completed by the New York State Department of Transportation and any comments considered.
- 2 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 3 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 There are many encumbrances onto the adjacent lots, both to the west and the north. The site plan illustrates these features that extend beyond the property boundary, including a garden, fencing, asphalt parking area, wood shed, and brick walkway. The Town of Orangetown should take this opportunity to resolve these encumbrance issues, by either requiring them to be relocated off of the adjacent properties, or by requiring easements to this land.

JOHN AITKEN (O-2297)



Douglas J. Schueez
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health
JSA Architecture & Design Group, LLC.

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.