

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

March 23, 2016

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 73.15-1-2

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

**Map Date:** 2/18/2016

**Date Review Received:** 2/22/2016

**Item:** *AMERICAN LEGION PARKING SITE PLAN (O-2288)*

Site plan for construction of an ancillary parking facility for an existing recreational area located on 8.09 acres in the R-80 zoning district. This parking area is being improved and shared with the proposed assisted living facility to the north.

West side of Hunt Road, approximately 630 feet south of Orangeburg Road, and 265 feet north of Olympic Drive

**Reason for Referral:**

Orangeburg Road (CR 20)

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 Since a portion of this site is being used for parking for the proposed assisted living facility to the north, an easement for access and parking must be provided on the plans. It must be further determined if an access easement must be provided to Tax Lot 73.15-1-1 since access to this residence seems to be over the subject site.
- 2 It must be indicated who will maintain (snow removal, paving, etc.) the parking lot/access for this site, especially since this will be used for access and deliveries to the senior living facility, and seems to be the access for Tax Lot 73.15-1-1.
- 3 As indicated in the February 26, 2016 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

**AMERICAN LEGION PARKING SITE PLAN (O-2288)**

- 4 A separate site plan must be provided for the proposed parking lot extension for tax parcel 73.15-1-2.
- 5 Evergreen shrubs must be planted along the parking spaces facing the ball fields on the adjacent property as well, to eliminate headlights of parked cars from shining into the ball fields during play time at night.
- 6 There shall be no net increase in the peak rate of discharge from the site at all design points.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
JMC Planning, Engineering, Landscape  
Architecture & Land Surveying, PLLC

*\*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.*