



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 18, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 70.14-4-7 70.14-4-6 70.14-4-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 7/5/2016

Date Review Received: 9/27/2016

Item: *BAILEY'S SMOKE HOUSE SUBDIVISION (O-2070B)*

Re-subdivision of two parcels, combining them into one lot, for an existing restaurant located on .33 acres in the CS zoning district.

North side of E. Erie Street, east side of N. Moison Road

Reason for Referral:

NYS Route 303

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 required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 2 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
- 3 The subdivision plat indicates that one parking space is required per 100 sq. ft., and indicates that the parking area is 5,000 sq. feet. The parking calculation must be based on the square footage of the total buildings and not on the parking area. This must be corrected, and the square footage of the building and a parking calculation provided.

BAILEY'S SMOKE HOUSE SUBDIVISION (O-2070B)

4 The bulk table indicates that a variance for rear yard is required, and that other variances may be required for existing conditions. In addition, two other variances were required for the gravel parking lot and the outdoor dining area, which have not been listed on the plans. Have the required variances been obtained? If not, then they must be obtained prior to granting final subdivision approval. If so, the bulk table must be updated to indicate such, all needed variances listed, the date that the Zoning board of Appeals granted the variances noted, and map note #15 completed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Sewer District #1

Anthony R. Celentano P.L.S.

**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.