

**DEPARTMENT OF PLANNING**

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

**Arlene R. Miller**  
*Deputy Commissioner*

October 27, 2016

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

**Tax Data:** 77.11-3-2

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

**Map Date:** 9/17/2016

**Date Review Received:** 9/20/2016

**Item:** *THE CUNNINGHAM HOUSE, LLC - PARKING LOT & FENCE (O-553D)*

Variance to permit an existing seven-space gravel parking lot for a commercial media company business and fashion boutique located on .23 acres in the CS zoning district. A variance is also required for less than the required number of parking spaces (7 provided, 12 required).  
Southwest corner of Main Street and Old Tappan Road

**Reason for Referral:**

Main Street (CR 15), Old Tappan road (CR 8), 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 As indicated in the December 8, 2015 letter from the Rockland County Department of Highways, a work permit is required.
- 2 As indicated in the September 28, 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.
- 3 As indicated in the November 24, 2015 letter from the Rockland County Drainage Agency, the parcel is outside of their jurisdiction, and therefore no permits are required. However, they do recommend that the Town of Orangetown boards ensure that there will be no increase in the rate of stormwater runoff from the site.
- 4 The Town must monitor the site to ensure that adequate parking is provided for these two commercial uses, either on-site or along Old Tappan Road off-site, where curbside parking is available.

**THE CUNNINGHAM HOUSE, LLC - PARKING LOT & FENCE (O-553D)**

- 5 A turnaround area must be provided for parking space #1, so that vehicles can easily maneuver out of the parking spot.
- 6 A vicinity map should be provided that includes a north arrow and scale. In addition, map notes that specify parcel information, including district details, should also be provided.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Rockland County Department of Health  
  
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.*