

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 28, 2016

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

Tax Data: 68.11-2-67

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

Map Date: 12/15/2014

Date Review Received: 4/5/2016

Item: *DeMARIA DECK (O-2291)*

Variance for less than the required rear yard to permit the construction of a deck for an existing single-family dwelling located on .35 acres in the R-15 zoning district.

West side of Salina Drive, approximately 160 feet northwest of Crooked Hill Road

Reason for Referral:

Village of Chestnut Ridge

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 The Village of Chestnut Ridge is the reason this proposal was referred to this department for review. The municipal boundary directly abuts the rear of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Chestnut Ridge must be given the opportunity to review the proposed rear deck variance and provide any concerns related to the project to the Town of Orangetown.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown

Michael & Colleen DeMaria
Village of Chestnut Ridge

DeMARIA DECK (O-2291)

**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.