

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

May 5, 2016

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 69.05-2-76

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 9/17/1976

**Date Review Received:** 4/26/2016

**Item:** *THE ICE FACTORY, INC. (ITALIAN ICE SHOP) (O-2231A)*

Conditional use permit to allow a fast food restaurant (an Italian ice shop) in an existing building located on .15 acres in the CO zoning district. The Italian ice shop is proposed to be one of three stores within the building, replacing the existing pizza shop.

North side of Veterans Parkway, east side of N. Middletown Road

**Reason for Referral:**

N. Middletown Road (CR 33), NYS Route 304

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 must be completed by the County of Rockland Department of Highways and all required permits obtained.

2 We received a partial site plan, so it is difficult to determine if all of the information that we seek was provided elsewhere. The following information must be provided so that we can do a comprehensive review: 1) A bulk table with all applicable bulk regulations must be provided. This table should show both required and existing/proposed conditions; 2) Parking calculations for the entire site must be provided. Since two other uses will share this building, and since the building is located on the corner of North Middletown Road, a County highway, it is critical to be assured that adequate parking is provided.

**THE ICE FACTORY, INC. (ITALIAN ICE SHOP) (O-2231A)**

3 Some of the parking area is located on the corner of Veterans Parkway and North Middletown Road. This parking area should only be accessed from Veterans Parkway to avoid conflict points on the County roadway. In addition, no vehicles shall back out from these parking spots into the County highway.

4 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

  
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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  
New York State Department of Transportation  
  
Lance Bieber

*\*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.*