Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 23, 2016

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

Tax Data: 77.11-1-62

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/9/2003 **Date Review Received:** 5/31/2016

Item: ***DENNIS & MARIA KIELY (O-2298)***

Variance for greater than permitted building height, for a proposed addition to an existing single-family residence located in the RG zoning district on .36 acres.
West end of Yorktown Court, approximately 140 feet west of Conklin Avenue

Reason for Referral:

Sparkill Creek, Main Street (CR 15), Washington Street (CR 8), Old Tappan Road (CR 8 & 15)

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 concerns addessed and all required permits obtained.

2 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

3 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

4 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency, since the addition is located completely within the 100 year floodplain of the Sparkill Creek.

5 The floodplain must be clearly delineated on the site plan.

DENNIS & MARIA KIELY (O-2298)

6 The site plan for the proposed addition must contain a date that the plan was modified. In addition, the bulk table must list the building height requirement, and the existing and proposed heights, particularly since this is the bulk measurement that requires the variance. An asterisk or some other notation should also be provided on the bulk table noting that a variance is required.

Douglas J. Schuetz
Acting Commissioner of Planning

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

JSA Architecture & Design Group, LLC.

**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.