

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 20, 2016

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data:

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

Map Date:

Date Review Received: 8/22/2016

Item: *TOWN OF ORANGETOWN - NEW CAR SALES/SERVICE IN RT 303 OVERLAY ZONE (O-2309)*

Zoning code amendment to add a new conditional use by the Planning Board to the CC Zoning District in the Route 303 Overlay Zone. The new use permits repair and service facilities ancillary to an existing new car dealership within the Route 303 Overlay Zoning District on a separate non-residential parcel also within the Overlay District. All service and repair work is to be performed within completely enclosed buildings.

East and west sides of NYS Route 303, within the Route 303 Overlay Zoning District - from the Orangetown/Clarkstown boundary at the north to the Orangetown/Northvale boundary at the south

Reason for Referral:

NYS Route 303; County highways; State and County parks; RC Sewer District #1 facility; Palisades Interstate Parkway; Sparkill Creek; Town of Clarkstown; Borough of Northvale, NJ

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 Minimum parking standards must be provided for the proposed new conditional use.
- 2 A review shall be completed by the New York State Department of Transportation, and any concerns addressed.
- 3 A review must be completed by the Palisades Interstate Park Commission and any raised comments addressed.

TOWN OF ORANGETOWN - NEW CAR SALES/SERVICE IN RT 303 OVERLAY ZONE (O-2309)

4 A review must be completed by the County of Rockland Department of Highways and any concerns addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Division of Environmental Resources

Borough of Northvale, NJ
Town of Clarkstown

**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.