



Rockland County

Ed Day, Rockland County Executive

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

June 20, 2016

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

Tax Data: 68.16-1-9

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

Map Date: 5/6/2016

Date Review Received: 5/24/2016

Item: *THE SALOON ROOF PLAN (O-1512N)*

Variations to permit the use of the roof top for an outdoor seating area, bathrooms, stairs, and bar for an existing restaurant located in the CC zoning district on .33 acres. Required variations include greater than permitted floor area ratio and building height.

North side of E. Central Highway, approximately 50 feet east of NYS route 304

Reason for Referral:

E. Central Highway (CR 30), NYS Route 304, Muddy 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 The Town must consider the cumulative impact of permitting FAR variations of this magnitude as well as the land use precedent that will be set. The FAR exceeds the permitted maximum by 200%. The ability of the existing infrastructure to accommodate commercial uses of this size must be evaluated. Allowing large variations for FAR will result in over-development, and set precedent for other commercial uses to also request similarly scaled exemptions. Local roads could become more congested. The sewer system, stormwater management systems and public water supply can become overburdened. Variations of this magnitude compromise the integrity of the zoning ordinance and must not be granted.

2 The site plan now notes the parking requirements for the roof area, both for just the covered portion, and for the entire roof area. It is further noted that parking is not in compliance with the zoning ordinance. However, the materials submitted with this application do not note that a parking variance is required. The Town or Orangetown should clarify if a parking variance is required. If it is, then the public hearing notice will have to be re-issued, and a review completed for this exception.

THE SALOON ROOF PLAN (O-1512N)

- 3 The Town must be satisfied that adequate on-street parking and off-site parking can be provided for this increased use, especially since adequate parking is not being provided on-site.
- 4 A review must be completed by the County of Rockland Department of Highways and all concerns addressed and all required permits obtained.
- 5 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 6 A review shall be completed by the New York State Department of Transportation and any comments considered.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Highways
Rockland County Drainage Agency

Barbara Marks Architect

**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.