

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

April 6, 2016

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.16-1-9

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/16/2015

Date Review Received: 3/11/2016

Item: *THE SALOON ROOF PLAN - BUILDING EXPANSION (O-1512L)*

Site plan for the Roof Plan building expansion for an existing restaurant located in the CC zoning district on .33 acres. The applicant is proposing to add an outdoor seating area, bathrooms, stairs, and bar on the rooftop. The total square footage of the restaurant will be 12,226 sq. ft.
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:

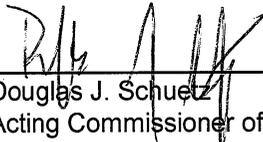
****Recommend the following modifications***

- 1 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 Since outdoor seating is now proposed, exterior lighting will need to be provided on the rooftop. All lighting must be directed so as not to cause a glare to vehicles on either the State or County highway.

THE SALOON ROOF PLAN - BUILDING EXPANSION (O-1512L)

4 There are no parking standards provided or parking spaces allocated on the plans for the site. The parking requirements for a restaurant/bar is one space for every 100 square feet of gross floor area. Since the floor area would be increased with the rooftop seating area, then the parking requirement will also be increased. The applicant must provide parking calculations on the site plan, showing both what is required and proposed. In addition, it must be noted how many on-site and off-site spaces are provided. Lastly, the Town Planning Board must be satisfied that there are sufficient parking spaces off-site to serve the needs of this restaurant and other commercial establishments in the neighborhood.

5 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.



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
Rockland County Department of Health

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.