

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

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

February 17, 2017

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 77.15-1-42

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

**Map Date:** 7/27/2016

**Date Review Received:** 1/24/2017

**Item:** 62-76 ROUTE 303, LLC (NICK'S CONVENIENCE STORE) (O-192K)

Site plan for the proposed construction of a one-story, 12' x 30' (~350 sq. ft.) masonry addition to the rear of the building which is part of a shopping center located in the CS zoning district on 2.56 acres. West side of NYS Route 303, approximately 142 feet south of Oak Tree Road

**Reason for Referral:**

NYS Route 303, Northvale Borough, 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 Our previous review dated January 5, 2017 is still valid. The minutes from the January 11, 2017 meeting indicate that our comments #2 and #3 were overridden because the survey map prepared by Azzolina & Feury Engineering provided the information requested. It must be noted, that while two maps were provided to the Town of Orangetown Planning Board for review, as indicated in the minutes, only one map was provided to the Rockland County Planning Department. This map did not include a vicinity map or map notes as we had requested in our review. In order to ensure that we are reviewing all of the same material as the Town, we request that all maps and information be provided to us to avoid this discrepancy.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown

Azzolina & Feury Engineering Inc.  
Northvale Borough, NJ

**62-76 ROUTE 303, LLC (NICK'S CONVENIENCE STORE) (O-192K)**

*\*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.*