Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 1, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 71.09-1-43

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/15/2017 **Date Review Received:** 10/6/2017

Item: ***BRACKEN SITE PLAN (O-625H)***

Site plan for the proposed replacement of a retaining wall and patio, and installation of a hot tub, for an existing single-family dwelling located on 1.67 acres in the R-22 zoning district and critical environmental area.

East side of Tweed Boulevard, approximately 1,860 feet south of Clausland Mountain Road

Reason for Referral:

Tweed Boulevard (CR 5), Clausland Mountain Park, US Route 9W

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 comments in the October 13, 2017 letter from the Rockland County Highway Department must be met.

2 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

3 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, to avoid massive walls, a tiered system of walls, with terraces, should be considered. This would allow landscaping between the sets of walls, helping to break up the massive structure, and screening the walls from the riverside views.

BRACKEN SITE PLAN (O-625H)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Division of Environmental Resources
Rockland County Department of Health
New York State Department of Transportation
New York State Department of Environmental Conservation

Thomas W. Skrable, P.E., P.O., C.M.E.

**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.