Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 2, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 77.11-3-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/27/2017 **Date Review Received:** 2/3/2017

Item: ***THE CUNNINGHAM HOUSE (O-553E)***

Final site plan to approve a seven-space parking area, and four-foot wooden privacy fence, that were installed without the planning board's approval, for a commercial media company business and fashion boutique located on .23 acres in the CS zoning district. Variances for less than the required number of parking spaces and parking space width; and to allow the parking lot to be unpaved have been granted by the Zoning Board of Appeals.

Southwest corner of Main Street and Old Tappan Road

Reason for Referral:

Main Street (CR 15), Old Tappan Road (CR 8), Sparkill 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 As indicated in the November 2, 2016 letter from the Rockland County Highway Department, a Work Permit is required for this proposal prior to the commencement of any site work.

2 As indicated in the February 7, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.

3 A turnaround area must be provided for parking space #1, so that vehicles can easily maneuver out of the parking spot.

4 A landscaping plan that meets all Town requirements shall be provided. The proposed earth dike should be landscaped to provide a more visually attractive feature.

THE CUNNINGHAM HOUSE (O-553E)

5 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

6 All existing or proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Department of Health

Anthony R. Celentano P.L.S.

**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.