

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 13, 2017

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

Tax Data: 68.20-1-1.40

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

Map Date: 6/23/2017

Date Review Received: 9/13/2017

Item: *DEFIANT BREWERY (O-840.5AA)*

Parking variance to permit an interior expansion of an existing brewery for a cabaret facility. The parcel is located within a complex of buildings, situated on 1.13 acres in the LI zoning district. Southeastern corner of W. Central Avenue and S. Pearl Street

Reason for Referral:

Pearl Street (NYS Route 304), W. Central Avenue (CR 30), 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 site is comprised of multiple buildings and associated parking, and is bordered by W. Central Highway, a county roadway to the north. The applicant is proposing to provide only 48% of the required parking for the expanded use. On-site and off-site parking is available for the uses on the parcel. However, with the redevelopment of the site, parking demands have increased significantly, and if this trend continues, then there may not be sufficient parking to serve all of the uses. The site must be routinely monitored to ensure that adequate parking continues to be provided. If it is determined that the site has insufficient parking due to increased site usage, then an off-site location must be identified for parking, and a written agreement for its use executed.

2 Our tax maps, and the E-911 address file, shows that this parcel is located on W. Central Avenue. The map should be changed to reflect west instead of east Central Avenue.

DEFIANT BREWERY (O-840.5AA)


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
Jay A. Greenwell, PLS, LLC

**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.