Rockland County

Ed Day, Rockland County Executive

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

November 21, 2017

Orangetown Planning Board
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:** 11/7/2017

Item: ***DEFIANT BREWING COMPANY (O-840.5BB)***

Site Plan and Conditional Use applications for an interior expansion of an existing brewery for a cabaret facility on 1.13 acres in the LI zoning district.
Southeastern corner of West Central Avenue and North Pearl Street.

Reason for Referral:

South Pearl Street/North Pearl Street (NYS Route 304), East 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 comments in the July 17, 2017 letter from the Rockland County Department of Highways must be met.

2 A review must be completed by the Rockland County Drainage Agency and any required permits obtained.

3 A review shall be done by the New York State Department of Transportation, and any required permits obtained.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency

Jay A. Greenwell, PLS, LLC

DEFIANT BREWING COMPANY (O-840.5BB)

**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.