Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 3, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 66.17-1-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/6/2017 **Date Review Received:** 4/19/2017

Item: ***EICHELBERGER PLANS (O-2320)***

Site plan for the proposed construction of two, two-story additions and a covered porch, to an existing single-family dwelling located in the R-22 zoning district on .225 acres. Variances for total side yard and floor area ratio will be required.

West side of Shadyside Avenue, approximately 850 feet north of Townsend Avenue

Reason for Referral:

US Route 9W, Village of South Nyack, NYS Thruway

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 Village of South Nyack is one of the reasons this proposal was referred to this department for review. The municipal boundary is 25 feet north of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of South Nyack must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town or Orangetown.

2 A review shall be completed by the New York State Department of Environmental Conservation and any concerns addressed and any required permits obtained.

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

4 As indicated in the April 24, 2017 letter from the Rockland County Department of Health, if a stormwater management system is required, then an application must be made to them to ensure compliance with the County Mosquito Code.

EICHELBERGER PLANS (O-2320)

5 A vicinity map that contains a north arrow and scale must be provided.

6 We request the opportunity to review any variances which may be necessary to implement the proposed site plan.

Douglas J. Schuetz
Acting Commissioner of Planning

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

Kier B. Levesque, RA

**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.