

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 5, 2017

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

Tax Data: 77.15-1-67

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/29/2017

Date Review Received: 3/3/2017

Item: *DENNIS & AMY MACHADO (O-2316)*

Variances to permit to construction of an addition to an existing single-family residence located in the R-15 zoning district on .8 acres. Required variances include: floor area ratio, front yard, side yard, and building height.

East side of Van Wardt Place, approximately 370 feet south of Oak Tree Road

Reason for Referral:

Sparkill Creek; Northvale Borough, NJ; Main Street (CR 15), federal wetlands

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 March 27, 2017 letter from the Rockland County Drainage Agency, the site is located within their jurisdiction; therefore a permit is required.
- 2 As indicated in the March 16, 2017 letter from the Rockland County Department of Health, an application must be made to them to ensure compliance with the County Mosquito Code.
- 3 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 4 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- 5 The floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

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6 The Borough of Northvale, NJ is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 440 feet south of the southern property line of the site. As required under Section 239nn of the State General Municipal Law, the Borough of Northvale, NJ must be given the opportunity to review the proposed variances and provide any concerns related to the project to the Town of Orangetown.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Department of Highways
United States Army Corps of Engineers

Paul Gdanski P.E., PLLC
Borough of Northvale, NJ

**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.