

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 10, 2017

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

Tax Data: 70.05-1-11

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

Map Date: 12/6/1985

Date Review Received: 11/22/2016

Item: *JOY & JOHN MACY (O-752D)*

Variance to allow a barn, that is part of a 10.8-acre residential property, to be rented out for event space (such as for weddings), on a limited basis (no more than ten events per year). The property is located in the R-80 zoning district.

West side of Western Highway, just south of Theis Lane, and just north of Leber Road

Reason for Referral:

Western Highway (CR 15), Leber Road (CR 36)

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 A review must be completed by the County of Rockland Department of Highways and any concerns addressed and required permits obtained.
- 2 The comments in the November 29, 2016 letter from the Rockland County Department of Health must be met.
- 3 All parking for the events must be contained on site, or located at another location off-site. Under no circumstances are vehicles permitted to park within the right-of-way of Western Highway or Leber Road.
- 4 Who will monitor the amount of events held during the year in the barn? What happens if the number of events exceeds ten/year; does the applicant have to return to the Zoning Board of Appeals? This must be clarified.

JOY & JOHN MACY (O-752D)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Joy Macy

**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.