

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 6, 2017

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

Tax Data: 68.16-6-61.2 68.16-6-61.1 68.16-6-60

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

Map Date: 11/29/2016

Date Review Received: 1/13/2017

Item: *MARIA'S MEXICAN RESTAURANT (O-238B)*

Parking variance to permit the conversion of an existing liquor store into a restaurant that is located on .15 acres in the CS zoning district. Sixteen parking spaces are required for the new use.

East side of N. William Street, 110 feet north of E. Central Avenue

Reason for Referral:

E. Central Avenue (CR 30)

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 application materials indicate that the site is located on tax parcel 68.16-6-20. However, it appears that this is only a portion of the site. Tax lots 68.16-6-61.1 and 68.16-6-61.2 also seem to be part of the proposed restaurant site. If this is the case, then the application must be updated to include all parcels, and the public hearing notice re-issued if it did not include all pertinent parcels.

2 Since this is a new use, a bulk table must be provided that lists the standards for a restaurant use. This information must include parking requirements. This information is necessary to ensure that no other variances are required to permit the new use.

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3 The Cover Sheet and January 11, 2017 Memorandum from John Giardiello, PE indicate that sixteen parking spaces are required, and that twelve parking spaces are shown on the plan. The plan that was referred to this Department with the application, dated November 29, 2016, only illustrates ten parking spaces for the proposed site. It is not clear where the other two parking spaces are located. If only ten spaces are being provided, then the extent of the parking variance sought is greater than noted. If twelve parking spaces are proposed, it must be indicated if the other two spaces are located off-site. All application materials must be updated, including the public hearing notice.

4 As indicated in the January 10, 2017 letter from the Rockland County Highway Department to the Planning Board, a work permit is required for the proposed development.

5 As indicated in the January 18, 2017 letter from the Rockland County Department of Health, the applicant must contact Jeanne Longo for the permitting requirements for a food service establishment.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Thomas J. Mesuk Architect, 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.