

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 23, 2017

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 5/12/2017

**Item:** *TOWN OF ORANGETOWN - ATTACHED VETERAN HOUSING (O-2325)*

Zoning Code Amendment to add a new conditional use, "Attached Veteran Housing" in the R-15 zoning district. A new definition will be added, and the existing general bulk regulations for Use Group "N" will be used for the new use. As part of the conditional use, the housing must be located on or along, or in immediate proximity, to a State or County road.

Throughout the Town in the R-15 zoning district

**Reason for Referral:**

State and County roads, county streams, Palisades Interstate Parkway, Village of Piermont, Town of Clarkstown

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 shall be completed by the New York State Department of Transportation, and any concerns addressed.
- 2 A review shall be completed by the Rockland County Department of Highways, and any concerns addressed.
- 3 It must be clarified if the Palisades Interstate Parkway qualifies for a "State road."
- 4 It must be clarified if there are minimum/maximum standards for the housing units, such as square footage per unit.

**TOWN OF ORANGETOWN - ATTACHED VETERAN HOUSING (O-2325)**

5 The Town of Clarkstown and the Village of Piermont are two of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, the Town of Clarkstown and the Village of Piermont must be given the opportunity to review the proposed local law amendment and provide any concerns to the Town of Orangetown.

*Arlene Miller*

*for  
Deputy*

Douglas J. Schuetz  
Acting-Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown  
New York State Department of Transportation  
Rockland County Department of Highways  
Rockland County Drainage Agency  
Palisades Interstate Park Commission

Village of Piermont  
Town of Clarkstown

*\*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.*