

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 3, 2017

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

Tax Data: 74.11-2-26

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

Map Date: 8/3/2017

Date Review Received: 8/18/2017

Item: *RRIS CORP. (O-1543H)*

Variances for front yard and side yard to permit the construction of a 12,000 sq. ft. retail building, to be divided into four separate retail/service areas, on a parcel located in the CC zoning district on 1.33 acres. North side of NYS Route 340, approximately 75 feet east of NYS Route 303

Reason for Referral:

NYS Routes 340 and 303, Orangeburg Road (CR 20), Sparkill Creek, Rockland County Sewer District #1 facility

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 New York State Department of Transportation, and all required permits obtained.
- 2 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- 3 A review must be done by the Rockland County Sewer District #1, any concerns addressed, and any permits obtained.
- 4 As per the June 20, 2017 letter from the Rockland County Department of Health, applications must be made for sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code and for compliance with the County Mosquito Code.
- 5 A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.

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~~6 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.~~

7 A review must be completed by the Rockland County Office of Fire & Emergency Services and any raised comments or concerns addressed.



Douglas V. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
New York State Department of Environmental Conservation
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Department of Health
Rockland County Planning Board

Maser Consulting P.A.

**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.