



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 3, 2017

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.16-1-9

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

Map Date: 5/6/2016

Date Review Received: 11/30/2016

Item: *THE SALOON ROOF TOP SITE PLAN (O-1512P)*

Site plan for the Roof Plan building expansion for an existing restaurant located in the CC zoning district on .33 acres. The applicant is proposing to add an outdoor seating area, bathrooms, stairs, and bar on the rooftop. The total square footage of the restaurant will be 12,899 sq. ft. and total floor area ratio for the building is proposed to be 14,253 sq. ft.

North side of E. Central Highway, approximately 50 feet east of NYS Route 304

Reason for Referral:

E. Central Highway (CR 30), NYS Route 304, Muddy Creek

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 An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2 An updated review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 Since outdoor seating is now proposed, exterior lighting will need to be provided on the rooftop. All lighting must be directed so as not to cause a glare to vehicles on either the State or County highway.

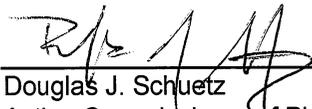
THE SALOON ROOF TOP SITE PLAN (O-1512P)

4 The site plan now notes the parking requirements for the roof area, both for just the covered portion, and for the entire roof area. It is further noted that parking is not in compliance with the zoning ordinance. However, the materials submitted with this application do not note that a parking variance is required or has been obtained. Variances were sought in July 2016 for floor area ratio and building height, but not for parking. The last time a variance for parking was sought for this use was in 2014, but were not due to the roof expansion. The applicant may still need to obtain variances for parking for the roof expansion. The Town or Orangetown must clarify if a parking variance is required.

5 The previously reviewed site plan dated 12/16/2016 showed that the two sheds in the northeastern corner were to be removed. This note is now removed from the plans. It must be noted if these sheds are to be removed or are to remain.

6 As indicated above, variances were sought in July 2016 for floor area ratio and building height. However, the bulk table does not note that these variances have been granted by the Zoning Board of Appeals (ZBA). The bulk table must be updated to reflect that these variances have been granted on July 6, 2016 by the ZBA.

7 If a parking variance is required, we request the opportunity to review the application when it appears before the Zoning Board of Appeals.



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
Rockland County Department of Health
Barbara Marks Architect

**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.