

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 19, 2017

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

Tax Data: 77.08-5-48.2

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

Map Date: 8/12/2016

Date Review Received: 6/19/2017

Item: **SPARKILL - TEMPORARY PLAY AREA (QUINN DEVELOPMENT LLC.) (O-847J)**

Variance application for total side yard and rear yard to allow the conversion of parking to a temporary play area for a daycare located on 0.8 acres in the CS zoning district.

North side of Union Street, approximately 60 feet east of Washington Street.

Reason for Referral:

Union Street/Washington Street/Valentine Avenue (NYS Route 340), Main Street (CR 8), Village of Piermont

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***

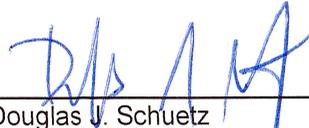
1 The proposed site plan, notes, and bulk table do not agree on the number of parking spaces provided or required. The bulk table indicates a total of 13 spaces are provided for the entire site, but the site plan only shows 9 spaces. A notation indicates there are 2 additional spaces available where a future building is planned, but are not shown on the site plan. A notation indicates there are 8 spaces required but the bulk table indicates a total of 12 spaces are required. As this variance is for the purpose of converting 2 parking spaces to another use, the total number of required and proposed parking spaces must be positively established in order to determine if a variance for parking is required.

2 The information provided indicates that this a temporary play area. It must be noted as to the proposed time frame for the temporary play area.

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3 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 340 feet northeast of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Orangetown.

4 A review must be done by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
Rockland County Department of Highways
New York State Department of Transportation

George Hodosh Associates - Architects, P.C.
Village of Piermont

**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.