

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 24, 2017

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

Tax Data: 77.20-2-53

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

Map Date: 9/3/2016

Date Review Received: 4/26/2017

Item: *CHRIS & ANNA WERNICKI POOL & PATIO (O-2322)*

Variations to permit the installation of an inground swimming pool, a pool patio, and a covered patio for an existing single-family dwelling located on .34 acres in the R-15 zoning district. Required variations include: floor area ratio, front yard, and side yard.

East side of Morningside Avenue, north side of Scotti Avenue (an unimproved street)

Reason for Referral:

NYS Route 340

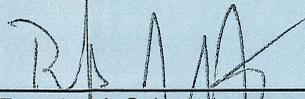
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation, any concerns addressed, and required permits obtained.
- 2 As indicated in the May 4, 2017 letter from the Rockland County Department of Health, if a stormwater management system is required to remediate the increase in impervious surface, an application must be made to them to ensure compliance with the County Mosquito Code.
- 3 Two footnotes are provided for the bulk table; one with a single asterisk stating that a variance for the pool and fence in the front yard is required, and the other with double asterisks, indicating that a variance is required. The bulk table does not contain any single asterisks reflecting the need for variances due to the installation of the pool and fence. In addition, the front and side yards measurements listed in the bulk table are shown to be conforming. The bulk table must be updated to reflect all required variances.

CHRIS & ANNA WERNICKI POOL & PATIO (O-2322)

4 The site plan is lacking several features that must be provided. These include a vicinity map with a scale and a north arrow, the tax parcel identification number, and map notes that list all appropriate information, including the district information. These features must be included on the site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Andrew Stewart, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Paul Gdanski, PE, PLLC

**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.