



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 3, 2018

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

Tax Data: 68.16-6-58

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

Map Date: 10/27/2005

Date Review Received: 4/10/2018

Item: 39 EAST CENTRAL AVENUE - DEANS COFFEE CO (O-880A)

Parking variance to permit a restaurant use in an existing building located on .16 acres in the CS zoning district. A total of 27 parking spaces are required for the proposed restaurant use; 24 parking spaces exist.

North side of E. Central Avenue, 50 feet east of N. William Street

Reason for Referral:

E. Central Avenue (CR 30)

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 application form indicates that 24 parking spaces are provided, and 27 are required. The site plan submitted does not designate these 24 parking spaces, but rather has wording that indicates "paved parking." Aerial photography shows that the adjacent parcel, tax lot 68.16-6-57, contains the majority of the parking. No easements or other documentation has been provided supporting that these spaces can be used by the applicant. The Town of Orangetown Zoning Board of Appeals must review the parking in the area to ensure that sufficient onsite and off-site parking is being provided for the proposed restaurant use, since shared parking is being provided for many of the other commercial businesses along E. Central Avenue. Adequate parking must be provided since the parcel is located directly on a County highway.

2 A review must be completed by the County of Rockland Department of Health and any required permits obtained.

39 EAST CENTRAL AVENUE - DEANS COFFEE CO (O-880A)



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Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Kier B. Levesque, R.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.