



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

December 7, 2018

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 65.14-1-11.3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 9/19/2018

Date Review Received: 11/1/2018

Item: 622 ROUTE 303 SUBDIVISION AMENDMENT (O-2190G)

Subdivision to amend a previously filed subdivision in which a 160' wide offer of dedication was given to the New York State Department of Transportation so as to provide sufficient frontage for future construction of the Route 303 median as part of the implementation of the Route 303 Sustainable Development Study. The applicant is now wanting to modify the dedication line so that only 60' is offered as opposed to the original 160'.

Northwest corner of Al Foxie Way and NYS Route 303

Reason for Referral:

NYS Route 303

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 Since this subdivision directly impacts future plans that the New York State Department of Transportation (NYSDOT) may have for the Route 303 corridor, a review must be completed by them. Only if the NYSDOT approves the proposed right-of-way dedication change, can this subdivision be approved. Any other comments or concerns raised by NYSDOT must be addressed, and all required permits obtained.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation

Santo Associates
Lorraine Hawthorne-Morrison
Steve Grogg, McLaren Engineering Group

622 ROUTE 303 SUBDIVISION AMENDMENT (O-2190G)

**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.