



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

February 21, 2018

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

**Tax Data:** 78.18-1-3.1

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

**Map Date:** 10/30/2017

**Date Review Received:** 1/16/2018

**Item:** *BERGSON SUBDIVISION (O-839K)*

Variances to permit a four-lot subdivision of 16.187 acres in the R-80 zoning district. Two existing dwellings will remain; a new dwelling is proposed on Lot #1; and Lot #4 is to be dedicated to the NY-NJ Trail Conference or the Palisades Interstate Park Commission. The required variances include: street frontage for lots 1, 2, & 3; and a waiver from Section 280-A, which permits access via a private road. East side of US Route 9W, west side of Wood Road, south side of Tallman Mountain State Park

### Reason for Referral:

US Route 9W, Tallman Mountain State Park, Long Path, Closter Road (CR 4), federal wetlands

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 comments in the December 19, 2017 letter from the Rockland County Department of Highways must be met.
- 2 The comments in the February 7, 2018 letter from the Rockland County Department of Health must be met.
- 3 A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- 4 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

**BERGSON SUBDIVISION (O-839K)**



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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Supervisor Chris Day, Orangetown
- New York State Department of Transportation
- Palisades Interstate Park Commission
- Rockland County Department of Highways
- Rockland County Department of Health
- New York - New Jersey Trail Conference
- New York State Department of Environmental Conservation
- Rockland County Drainage Agency
- United States Army Corps of Engineers
  
- Jay A. Greenwell, PLS, LLC

*\*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.*