

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 26, 2018

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

Tax Data: 74.09-1-64

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

Map Date: 9/14/2018

Date Review Received: 9/25/2018

Item: *BETHANY MAR THOMA CHURCH (O-207F)*

Variances to permit the construction of an approximately 2,800 sq. ft. addition to an existing church located on 1.036 acres in the R-80 zoning district. Existing parking, which encroaches onto the property to the east will be removed, and relocated completely on the property, and a multi-purpose court will also be removed. Required variances to implement the improvements include: lot area, front yard, side yard, total side yard, building height, and floor area ratio; the extent of the impervious coverage will be reduced.

North side of Old Orangeburg Road, approximately 300 feet east of First Avenue, and opposite the connecting road to Orangeburg Road

Reason for Referral:

Rockland Psychiatric Center, New York State Armory, Orangeburg Road (CR 20)

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 must be completed by the New York State Division of Military and Naval Affairs since the site is adjacent to the New York State Armory property. Any comments or concerns must be addressed.
- 2 A review must be completed by the Rockland Psychiatric Center, and any comments or concerns addressed.
- 3 The site plan map lists "Orangeburg Road County Highway Rte 22" as the road that this parcel fronts. This is incorrect, and must be renamed to "Old Orangeburg Road."
- 4 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.

BETHANY MAR THOMA CHURCH (O-207F)



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Psychiatric Center

Atzl, Nasher & Zigler P.C.
New York State Armory - NYS Division of Military
and Naval Affairs

**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.