



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

October 3, 2018

Orangetown Zoning Board of Appeals

21 Greenbush Road

Orangeburg, NY 10962

Tax Data: 70.19-1-40

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

Map Date: 7/20/2018

Date Review Received: 8/22/2018

Item: *DEAN AWNING (O-1590Q)*

Variances to permit an awning assembly and warehouse use on 3.25 acres in the LIO zoning district. Required variances include lot width, total side yard, and having two outdoor loading berths and two outdoor storage areas when both must be within completely enclosed buildings. Performance standards for the fabrication of the custom made awnings and guard booths is also being reviewed by the Orangetown Zoning Board of Appeals.

East side of NYS Route 303, approximately 655 feet south of Glenshaw Street

Reason for Referral:

NYS Route 303, Sparkill Creek, S. Greenbush Road (CR 11)

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***

With regard to the required variances for the site, we offer the following recommendations:

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and any required permits obtained.
- 2 Additional screening must be planted along the northern property line where the outside material storage area and the parking spaces will be located. The original landscaping that was initially planted when this building was first constructed, along the northern property line, has been removed in locations, and replaced instead with vehicular/trailer storage. Evergreen landscaping must be replanted, and storage containers kept out of the yard so that the original landscaping for the site is restored.

DEAN AWNING (O-1590Q)

3 It must be indicated if the roll-off containers illustrated on the site plan will remain on the site. Are these the containers that the material storage will be kept in? If so, are variances required for their location and permanent-type use? This must be clarified. As indicated above, supplemental landscaping must be planted around this material storage and roll-off container area.

4 With regard to the review of the performance standards, we recommend that this issue is for local determination.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Highways

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.