Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 15, 2018

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

Tax Data: 77.08-1-39

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/1/2018 **Date Review Received:** 8/31/2018

Item: ***DAVID & CLAUDIA GOLLUB (O-690E)***

Variances to permit an addition to an existing residence, and construction of a new accessory storage shed, new covered porch, and patio, and relocation of the driveway. Required variances include: side yard, total side yard, rear yard, and maximum floor area ratio. The parcel is located on .38 acres in the R-15 zoning district.

South side of the terminus for Elmer Street, east side of the Palisades Interstate Parkway

Reason for Referral:

Palisades Interstate Parkway

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 It is normally our policy to request than an undisturbed, vegetated 20-foot buffer area be maintained along the property line adjacent to the Palisades Interstate Parkway. The intent of this buffer is to not only protect the visual integrity of the Parkway, but to preserve the existing vegetation and root systems from damage due to adjacent construction/on-site activities. This area must be clearly delineated on the map, and on the deed so that future property owners are aware of this restriction, and all structures kept out of this buffer area. Landscaping must be supplemented in the areas where the building will encroach past the building envelope and along the storage shed.

2 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.

3 A review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.

DAVID & CLAUDIA GOLLUB (O-690E)

4 This neighborhood is characterized by similar lot sizes and residential structures. The applicant is seeking a floor area ratio that is 68% greater than permitted. Granting a variance of this magnitude may set a precedent for other property owners within close proximity to also request similar variances, and thereby change the character of the neighborhood. The Town of Orangetown should evaluate this proposal in context to the surrounding community, and the precedent that could be set.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Palisades Interstate Park Commission
Rockland County Department of Health

Joseph G. Thompson, Architect

**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.