

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 25, 2018

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

Tax Data: 75.09-1-1

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

Map Date: 8/30/2018

Date Review Received: 10/3/2018

Item: *KARP VARIANCES (O-2314B)*

Variances to permit the construction of a single-family dwelling located on .867 acres in the R-80 zoning district and critical environmental area. Required variances include: lot area, floor area ratio, front yard, side yard, total side yard, building height, and accessory structure located in the front yard of a residential district.

West side of Tweed Boulevard, approximately 3,038 feet north of the intersection with US Route 9W

Reason for Referral:

Tweed Boulevard (CR 5), Village of Piermont, US Route 9W, Long Path

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 and concerns raised in the October 10, 2018 letter from the County of Rockland Department of Highways must be addressed, and all required permits obtained.
- 2 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 135 feet east of the site. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

KARP VARIANCES (O-2314B)



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Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
New York State Department of Transportation
New York - New Jersey Trail Conference
New York State Department of Environmental Conservation
Rockland County Department of Health

Dennis M. Letson, P.E. & Associates
Village of Piermont

**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.