



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 21, 2018

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

Tax Data: 77.11-1-74

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

Map Date: 2/19/2018

Date Review Received: 4/25/2018

Item: *KIRSCH - 49 KINGS HIGHWAY (O-2348)*

Variations to permit a new canopy roof connecting the garage to the existing single-family dwelling located on .22 acres in the R-15 zoning district. Required variations include: rear yard for the proposed construction; and lot area, front yard, and building height (as pre-existing variations).

East side of Kings Highway, approximately 208 feet northeast of the Greenbush Road intersection

Reason for Referral:

Sparkill Creek, Old Tappan Road (CR 8)

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 Rockland County Drainage Agency, and any required permits obtained.
- 2 The bulk table does not indicate the variations required for the proposed construction. The table must be updated to reflect the variations, particularly for the rear yard setback, since the garage is now part of the main house, and therefore, no longer an accessory use.
- 3 The 100-year floodplain must be clearly delineated on the site plan.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Drainage Agency
Rockland County Department of Highways
Rockland County Department of Health

KIRSCH - 49 KINGS HIGHWAY (O-2348)

Robert Hoene, 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.