



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

April 3, 2018

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

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

**Map Date:**

**Date Review Received:** 3/9/2018

**Item:** *TOWN OF ORANGETOWN - PLANNING BOARD (O-2343)*

Zoning Code Amendments to provide clarifications for membership and duties for the Town of Orangetown Planning Board. A new Section was added to the Zoning Ordinance, Chapter 43 - Article X-A Planning Board, which provides information on the number of members on the Board, their term limit, vacancies, appointment of chair and vice chair, alternate members, training requirements, attendance, and review authority.

N/A

**Reason for Referral:**

N/A

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 Section 10A-4 references Section 271-7 of Town Law that cites training requirements. This should be corrected to be Section 271-7a.
- 2 On May 14, 1993, the Orangetown Town Board passed a resolution requiring their planning and zoning board of appeals members to attend the Rockland Municipal Planning Federation's Certification Courses once, and then to attend the "Update of Case Law" every other year. This requirement should also be added to the proposed zoning code amendments under the Training and Attendance section.

**TOWN OF ORANGETOWN - PLANNING BOARD (O-2343)**



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown

*\*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.*