

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 28, 2018

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

Tax Data: 73.15-1-11

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

Map Date: 7/20/2018

Date Review Received: 8/1/2018

Item: *PALISADES VETERINARY HOSPITAL - 37 HUNT ROAD (O-2351A)*

Special permit by the zoning board of appeals, and variances, to permit two additions totaling 1,800 sq. ft. for a proposed animal hospital located in the newly rezoned R-80 zoning district. The total square footage of the building will be 2,800 sq. ft. Variances required to permit the additions include lot area, lot width, side yard, total side yard, having an accessory structure in the rear yard for two sheds, and less than the required rear yard for the sheds.

West side of Hunt Road, approximately 190 feet south of Orangeburg Road

Reason for Referral:

Orangeburg Road (CR 20)

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 In order to allow the special permit use, the Orangetown Zoning Board of Appeals must be satisfied that all requirements, as stipulated in Section 4.31 have been met. In addition, the Town must be satisfied that the use, as permitted in the Table of General Use Regulations, Section 3.11, column 3, #7 of the Zoning Board complies, as it appears that the lot line distance cannot be met and this provision is not subject to variance. Use #7 reads: Commercial dog kennels, animal hospitals and rental of horses, provided that no kennel, runway, stable, corral or exercise pen or track is located within 300 feet of any lot line, which provision shall not be subject to variance.
- 2 The comments in the August 23, 2018 letter from the Rockland County Department of Health must be met.

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3 The site plan must list all of the variances required to implement the proposed additions to the building.



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Acting Commissioner of Planning

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

Engineering & Surveying Properties
Dr. Ean Bauer

**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.