

DEPARTMENT OF PLANNING

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

Arlene R. Miller
Deputy Commissioner

July 5, 2018

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

Tax Data: 74.09-1-66

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

Map Date: 9/30/2005

Date Review Received: 6/14/2018

Item: ***ROCKLAND HOSPITAL GUILD - 2 IRVINGS WAY (O-2094F)***

Performance standards to permit the installation of three new 48 KW natural gas emergency generators that will be used to provide back-up electricity, in the event of power outages, for the three campus residences located at the Rockland Hospital Guild. The site is located in the R-80 zoning district on 4.97 acres.

North side of Old Orangeburg Road, east side of Second Avenue, west side of First Avenue, straddling Irvings Way

Reason for Referral:

Rockland Psychiatric Facility, Orangeburg Road (CR 20)

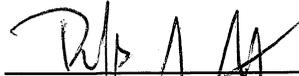
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1 There is a discrepancy with the tax parcel number associated with the site. Our tax map records list this parcel to be 74.09-1-66 (not listed on the Town tax rolls), and a different shape/acreage, while all of the materials associated with the application list it to be 73.12-1-2.2. We ask that the applicant and the Town work with the County to resolve this discrepancy, and provide information so that the tax records can be corrected, if in fact, 73.12-1-2.2 is the correct tax parcel identification number. To help rectify the discrepancy, a copy of Schedule A, as described in the Deed, must be provided. However, if tax parcel 74.09-1-66 is the correct identification number, then the application materials must be corrected, and the public hearing notice re-issued.

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2 The site plan provided with the application lists the map date to be 9/30/2005, with two revision dates listed as June 3 and 6 in 2005, therefore the revisions occurred before the site plan was completed in September. The original map date cannot be a date that occurs after the revisions. This should be corrected.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Tectonic
Andy Kohlbrenner, Executive Director

**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.