Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 2, 2019

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

Tax Data: 77.16-1-33

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/21/2018 **Date Review Received:** 11/21/2018

Item: ***30 ROCKLAND PARK AVENUE (O-2271B)***

Variances to permit the construction of two concrete pads to be used as refuse areas for garbage containers, and a shed addition for a site located on 1.75 acres in the LIO zoning district and floodplain of the Sparkill Creek.

West side of Rockland Park Avenue, approximately 405 feet north of Oak Tree Road

Reason for Referral:

Sparkill Creek

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 An updated review must be completed by the County of Rockland Drainage Agency, and all required permits obtained.

2 The engineer of record shall certify to the floodplain administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

3 The description on the cover sheet for the referral , as well as the application form, indicates that a shed addition is proposed. The site plan provided does not depict the location of the shed, nor does it clearly delineate the location of the two concrete slabs, so it is impossible to determine the size of the structure and slabs, or their impact on drainage or other features. All proposed features must be clearly depicted and labeled on the site plan.

4 The site plan must denote that the entire site is located within the floodplain of the Sparkill Creek. Any improvements to the site must try to limit any additional impervious materials. The use of pervious pavers or other feature must be installed wherever feasible.

30 ROCKLAND PARK AVENUE (O-2271B)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Drainage Agency

Joon Architecture and Design LLC
Donald Brenner

**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.