

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 3, 2019

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 69.09-1-38

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

Map Date:

Date Review Received: 6/12/2019

Item: *GEORGE ALATSAS/268 NORTH MIDDLETOWN ROAD (O-2378)*

Zone change to convert a 0.46-acre parcel from the CO zoning district to the R-15 zoning district.

Northeastern corner of the intersection of North Middletown Road and Manor Boulevard

Reason for Referral:

North Middletown Road (CR 33)

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 The Referral Form, Resolution No. 301 from the Town Clerk dated June 4, 2019, Lead Agency Coordination Letter dated June 7, 2019, and the GML 239 Referral Letter dated June 7, 2019 incorrectly refer to the current zoning district as "CC" in various places. This must be changed to the correct zoning district of "CO". The Referral Form and letters from the Town Clerk also incorrectly refer to the wrong tax parcel of 69.09-1-1. This must be corrected to the proper designation of 69.09-1-38. If a public hearing notice was distributed with any incorrect information, a new notice must be re-issued with the corrected information.
- 2 If the zone change is approved, in order for the Rockland County Planning Department to update the zoning map for the Town of Orangetown, a copy of the Town Board resolution adopting the zone change must be sent for our records. Once the map is updated, if further action is required to adopt the revised zoning map, it is the responsibility of the Town of Orangetown.
- 3 The Town should take a more comprehensive review of the area to determine if any other parcels beyond the subject site should also be changed to the R-15 different zoning district.

GEORGE ALATSAS/268 NORTH MIDDLETOWN ROAD (O-2378)

4 A review shall be completed by the County of Rockland Department of Highways and any comments or concerns addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

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