

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 22, 2019

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

Tax Data: 68.16-6-39

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

Map Date: 4/25/2019

Date Review Received: 5/1/2019

Item: *ANDA REALTY (O-2182E)*

Variances for side yard and total side yard to legalize the construction of a garage which was erroneously built using the reverse setbacks. The westerly side yard was to be 7' and the easterly side yard was to be 5'; the variance request is to permit the westerly side of 5' and easterly side of 7'. The total side yards remains the same. An existing mixed use, consisting of apartments and a small business office occupy the site, which is located on .223 acres in the CS zoning district.

Other site plan improvements are also proposed since the last submission in 2017, and these include: the removal of wood edging and replacing it with Belgian block; relocating the stockade fence and the vegetation along the fence, and replacement of the vegetation with three new trees; removing the concrete walk along the side and rear of the garage; providing additional plantings along the western and northern property line; and adding a grate to the drywell.

North side of E. Central Avenue, approximately 400 feet west of N. Henry Street

Reason for Referral:

E. Central Avenue (CR 30)

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 As indicated in their May 15, 2019 letter from the Rockland County Highway Department, a road work permit must be obtained for the amended site plan.

ANDA REALTY (O-2182E)

2 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Jay A. Greenwell, PLS, LLC

**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.