

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 18, 2019

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 70.14-4-21	70.14-4-20	70.14-4-19
70.14-4-18	70.14-4-17	70.14-4-16
70.14-4-15	70.14-4-14	

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

Date Review Received: 4/1/2019

Item: *GERALD BIEBER & RISE BIEBER (O-2372)*

Zone change from the LO (Laboratory-Office) zoning district to the CC (Retail-Commerce) zoning district for eight parcels that total 8.53 acres.

West side of NYS Route 303, opposite Hickory Street and Walnut Street, approximately 475 feet south of Erie Street

Reason for Referral:

NYS Route 303, Spruce Street

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 current zoning boundary for the CC/LO districts runs through tax parcel 74.01-4-13. This parcel is generally rectangular in shape, but also has a long leg that extends southward. The proposed zone changes for the eight parcels does NOT include this parcel. Tax parcel 74.01-4-13 MUST be included in the rezoning petition so that there is no gap between the CC and LO districts.

2 Some of the paperwork submitted with the application only lists one or some of the parcels for the rezoning request. Resolution No. 132 dated March 12, 2019 only lists four parcels: 568, 572, 574 and 578 Route 303. Resolution No. 158 dated March 26, 2019 lists all eight of the parcels in the top of the petition, but the resolution itself only mentions the property at 576 Route 303. These documents must be updated to reflect that all eight parcels are included in the rezoning proposal.

GERALD BIEBER & RISE BIEBER (O-2372)

3 Two maps were submitted with the application. One map with blue zoning district lines only highlights five parcels, omitting tax parcels 74.01-4-18, 20, and 21. The second map that has green zoning boundaries highlights the parcels to be rezoned in blue, omitting tax parcels 74.01-4-20 and 21. This map includes the portion of tax lot 74.01-4-13 as well. Updated maps that correctly identify all parcels to be rezoned must be provided so that all application materials are consistent and correct.

4 It must be noted that parcels 70.14-4-19, 20, and 21 are also within 500 feet of Spruce Street, a County Highway. The Rockland County Department of Highways must have the zone change petition referred to them as well.



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Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
New York State Department of Transportation
Rockland County Department of Highways

**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.