



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
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Pomona, New York 10970

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 1, 2019

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

Tax Data: 71.09-1-6

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

Map Date: 8/28/2019

Date Review Received: 9/4/2019

Item: **BRAITHWAITE ALTERATION (O-1700B)**

Variances for front yard and building height to permit finishing an existing garage loft and attic space for an existing single-family residence located on 0.5329 in the R-22 zoning district. Variances for side setback and total side setback may also be required.

East side of US Route 9W, approximately 1,212 feet south of Old Mountain Road

Reason for Referral:

US Route 9W, River Road (CR 1), Village of Grand View-on-Hudson

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:

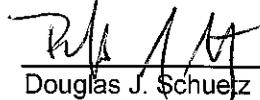
**Recommend the following modifications*

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 The Village of Grand View-on-Hudson is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern border of the subject property line, west of Center Street. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 The bulk table provided shall include a note that states which bulk requirements require variances.
- 5 The site plan shall include map notes that list all appropriate information, including the district details.

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6 The site plan must contain a vicinity map that includes a scale and north arrow.

7 We request the opportunity to review any additional variances that may be necessary, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).



Douglas J. Schuetz
Acting Commissioner of Planning

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

Sparco & Youngblood, PLLC
Village of Grand View-on-Hudson
mark braithwaite aia

Mark Braithwaite

**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.