

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

April 10, 2019

Orangetown Planning Board  
21 Greenbush Road  
Orangeburg, NY 10962

**Tax Data:** 77.07-1-2

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

**Map Date:** 2/5/2019

**Date Review Received:** 3/13/2019

**Item:** *BUL KWANG ZEN CENTER SITE PLAN (O-1858K)*

Site plan for a proposed two-story (with basement) 2,936 sq. ft. addition to an existing conference center and living accommodations for the Buddhist monks. The addition will connect the two existing buildings on the site. The site is located in the LO zoning district on a total of 5.15 acres. The new proposal has reduced square footage, a lower eave line, and modified roof pitch to reduce the perceived bulk of the building in relation to the existing structures. Eleven overflow parking spaces have been proposed. Two variances (side yard and building height) were granted.

West side of NYS Route 303, approximately 285 feet north of Kings Highway

**Reason for Referral:**

NYS Route 303, Sparkill Creek, federal and state wetlands

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, and any required permits obtained.
- 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.
- 3 An updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- 4 Since there are State wetlands on the site, a review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

**BUL KWANG ZEN CENTER SITE PLAN (O-1858K)**

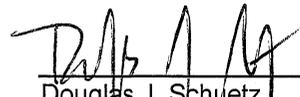
5 It does not appear that there is any encroachments in the Federal wetlands. If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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

7 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

8 There shall be no net increase in the peak rate of discharge from the site at all design points.

9 The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
New York State Department of Transportation  
Rockland County Drainage Agency  
Rockland County Department of Health  
New York State Department of Environmental Conservation  
United States Army Corps of Engineers  
  
Atzl, Nasher & Zigler P.C.  
George Hodosh Associates - Architects, P.C.

*\*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.*