



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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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: 70.09-1-59

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

Map Date: 7/23/2019

Date Review Received: 9/10/2019

Item: *CHAVEZ/640 WESTERN HIGHWAY (O-2388)*

Variations for front yard (Old Western Highway) and rear yard to permit the construction of a rear deck attached to a single-family dwelling located on 0.47 acres in the R-15 zoning district.

Northwest corner of Western Highway and Old Western Highway, approximately 180 feet east of Burrows Lane

Reason for Referral:

Western Highway (CR 15)

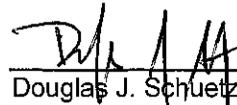
The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

**Recommend the following modifications*

- 1 The applicant must comply with the conditions of the Rockland County Highway Department in their letter of September 19, 2019.
- 2 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 3 The bulk table provided on the site plan has a "*" next to the proposed values for front yard and rear yard, denoting these are the values for the variations that are required. However, no note explaining the reason for the "*" is provided. A note shall be placed beneath the bulk table that explains that this symbol represents the need for a variance.
- 4 The site plan shall include map notes that list all appropriate information, including the district details. In addition, the site plan must include a vicinity map that has a scale and north arrow.

CHAVEZ/640 WESTERN HIGHWAY (O-2388)

5 The site plan indicates a front porch will be constructed in the future. We request the opportunity to review any variances that may be needed to implement the construction of the proposed front porch, 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
Robert E. Sorace, PLS

**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.