



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 2, 2019

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

Tax Data: 68.16-6-67

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

Map Date: 8/13/2018

Date Review Received: 11/9/2018

Item: *DIONNES WAY (O-2347A)*

Variations to permit an existing one-story building to be expanded to three stories to be used as a mixed-use structure. The first floor is proposed to be comprised of office and retail, and the second and third floors to be apartments (planned adult community). Variations are required for parking, floor area ratio, and lot area. The site is located on .54 acres in the CS zoning district with a PAC overlay floating zone. Est side of North William Street (North Main Street), approximately 161 feet north of E. Central Avenue

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:

****Disapprove***

1 The PAC floating zone is intended to address certain senior citizen housing needs by encouraging the development of a range of housing types for active senior citizens. Specific requirements have been established based on goals of the floating zone. These include lot size, density, floor area ratio, and building height. The application is deficient in meeting many of the criteria for the PAC floating zone. The parcel is undersized by 46%; the density is over 322% greater than permitted; the floor area ratio is exceeded by over 187%; and the on site parking only provides 66% of the required spaces. These deficiencies do not factor in the requirement of Section 4.610 which requires recreational facilities, site improvements, visitor parking, walks, clubhouse, gatehouse, landscaping or buffer areas. A two-story building with only eight apartment units would better meet the intent of the zoning ordinance. Furthermore, granting the required variations will set a precedent for other uses to also request similar non-conformities, thereby undermining the intent of the overlay zone and the goals of the comprehensive plan. The number and size of the proposal must be reduced, especially since the size of the parcel meets only half of the requirement, so that the extent of the variations are lessened.

DIONNES WAY (O-2347A)

2 The Orangetown Zoning Board must be satisfied that all of the criteria of the PAC Overlay Zone, as required under Section 4.6 of Chapter 43 are met. Specifically, it must be determined if Section 4.62, which requires frontage along a major or secondary roadway, is being met. As mentioned above, permitting development of a site using the PAC zoning overlay for a site that is not compliant will set a negative precedent, which will ultimately undermine the intent of the Town's Comprehensive Plan and zoning ordinance.

The following comments address our additional concerns about this proposal.

3 The comments in the October 2, 2018 letter from the Rockland County Department of Highways must be addressed.

4 As indicated in the October 19, 2018 letter from the Rockland County Department of Health, if a stormwater management system is required, an application must be made to them for review of the system to ensure compliance with the County Mosquito Code.



Douglas J. Schuetz
Acting Commissioner of Planning

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

Rockland County Planning Board Members

**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.