Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 15, 2019

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

Tax Data: 77.08-1-38

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/13/2005 **Date Review Received:** 10/29/2019

Item: ***DAVID & LESLIE DORAN/76 EIMER STREET (O-690G)***

A rear yard variance to permit the installation of an in-ground swimming pool at an existing single-family residence located on 0.35 acres in the R-15 zoning district.

Southwest corner of Eimer Street and Austin Avenue

Reason for Referral:

Palisades Interstate Parkway

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 Palisades Interstate Park Commission, and any raised concerns addressed.

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 site plan provided with the application has a revised date of September 13, 2005. That is 14 years ago and appears to be out of date. Many proposed features currently exist, and the macadam drive that leads out to the private right-of-way no longer exists. A new, updated site plan must be provided to allow for an analysis of the current conditions of the site. The site plan shall also contain a vicinity map with a north arrow and scale and map notes that include all appropriate information, including the district details. In addition, a bulk table shall be provided that shows compliance with the bulk regulations for the R-15 zoning district.

DAVID & LESLIE DORAN/76 EIMER STREET (O-690G)

4 A 12-foot side yard variance was previously granted at ZBA #02-95 on October 16, 2002. A 12-foot rear yard variance is now being sought. It must be clarified if the needed variance is for rear yard or side yard.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown
Palisades Interstate Park Commission
Rockland County Department of Health

David Doran

**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.