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

July 2, 2019

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

Tax Data: 74.18-3-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/14/2019 **Date Review Received:** 6/6/2019

Item: ***EDELWEISS CONSTRUCTION/2 SOUTH MARY FRANCIS STREET (O-1413A)***

Variances to permit the construction of a new single family home located on 0.15 acres in the R-15 zoning district. Variances are requested for floor area ratio, building height, side yard, and rear yard. Southwest corner of East Lowe Lane and South Mary Francis Street

Reason for Referral:

Palisades Interstate Parkway, 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 has indicated that the existing dwelling will be demolished and a new single-family dwelling will be constructed in its place. Because of this, pre-existing non-conforming conditions may no longer apply. It should be verified if variances are needed for lot area and lot width.

2 The vicinity Map must contain a north arrow. The site plan map notes must also contain district information.

3 The comment in the Rockland County Highway Department letter dated June 13, 2019 must be addressed.

4 The bulk table must indicate that a height variance is required.

Douglas J. Schuetz
Acting Commissioner of Planning

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

EDELWEISS CONSTRUCTION/2 SOUTH MARY FRANCIS STREET (O-1413A)

Jay A. Greenwell, PLS, LLC

**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.